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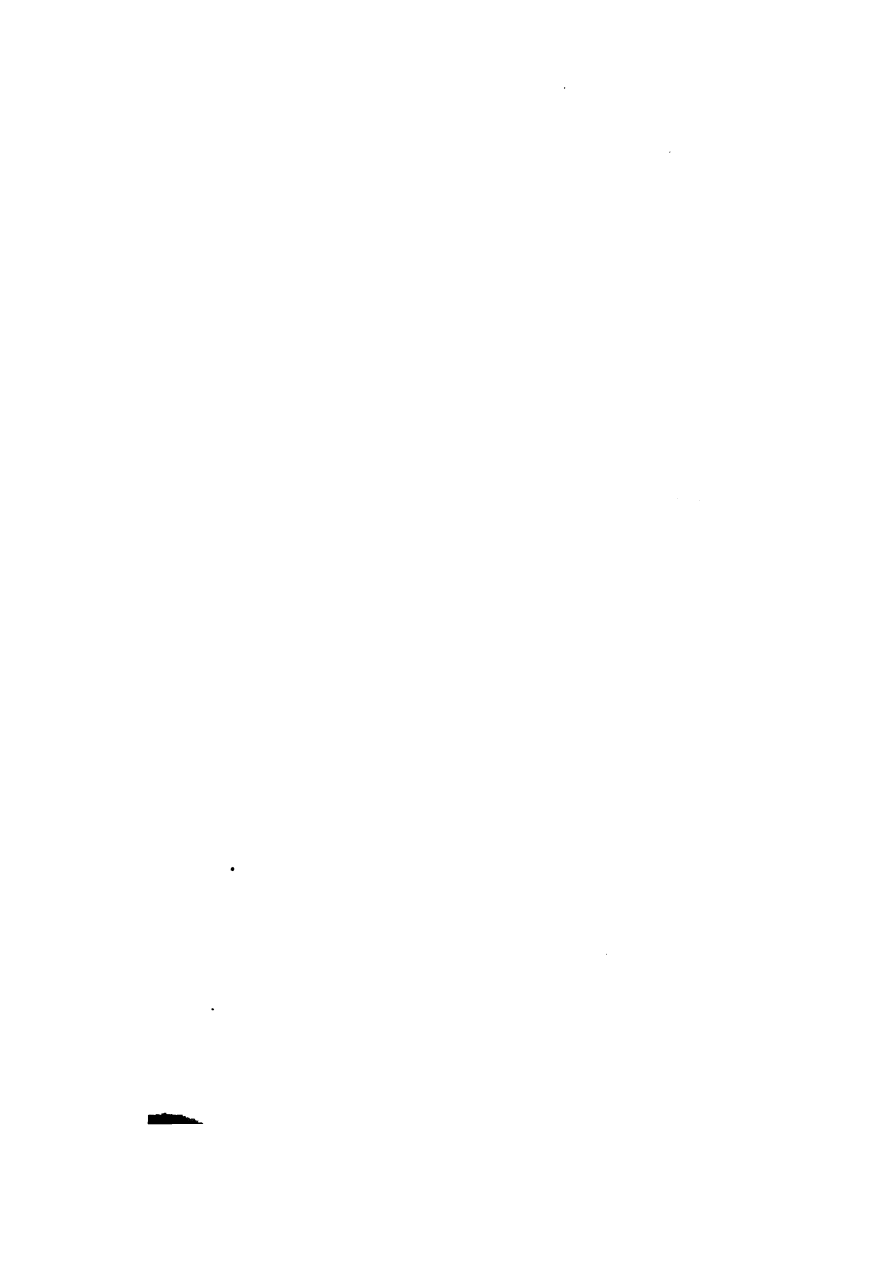
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# PUBLIC HEALTH.

## THE PRACTICAL GUIDE

TO THE

PUBLIC HEALTH ACT, 1875, AND CORRELATED ACTS,  
FOR THE USE OF MEDICAL OFFICERS OF HEALTH  
AND INSPECTORS OF NUISANCES.

*Containing all those Portions of the Public Health Act, 1875, administered by Medical Officers of Health and Inspectors of Nuisances, carefully Annotated for Practical Use; a Précis of the Sale of Food and Drugs Acts; Canal Boats Act; Factory Act (1878); Rivers Pollution Prevention Act, and other important Sanitary Acts: a Chronological List of all recent Sanitary Acts and Publications, and an Analysis of all Sanitary Orders and Regulations issued by the Local Government Board; with Tables and Memoranda of use to Medical Officers and Inspectors of Nuisances.*

BY

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BAILLIÈRE, TINDALL, AND COX,  
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## PREFACE.

THE Editor of this little book makes no claim whatever to originality. Having frequently experienced the want of a portable copy of the Public Health Act, 1875, and of other Acts coming under the special cognizance of Medical Officers of Health, and having heard many of his colleagues express the same feeling, he has endeavoured to supply the desideratum, and at the same time to combine with it practical hints, the result of considerable experience in the administration of the Acts, and to clear some points of doubtful interpretation.

The Handbook contains only such portions of the Public Health Act, 1875, as especially concern the Medical Officer of Health and Inspector of Nuisances. It also contains abstracts of The Sale of Food and Drugs Act, The Rivers Pollution Act, The Canal Boats Act, The Factory Act, The Infant Life Protection Act, and other important Acts bearing on Public Health, the administration of which is entrusted to Medical Officers. The most important clauses of these Acts have been given verbatim from the original. The annotations have been taken from every reliable source at hand, especially from the editions of the Public Health Act by Glen, Lumley, and Fitzgerald, which

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should be found in the library of every Medical Officer of Health. Without their help, the compilation of the Practical Guide would have been impossible. References to these works have been so frequent, and quotations from them so constant, that it would have been impossible to notice each in its place, but the value of the works themselves to the Editor is here gratefully acknowledged.

It is impossible that some readers may not be disappointed in not finding in the Handbook the portion of some Act they are in search of; but the Editor hopes this will but rarely happen, as he has been very anxious to introduce all those portions of the Public Health Act and its correlative Acts usually coming under the notice of the Medical Officer of Health in rural or urban districts.

The list of Orders, Circulars, etc., of the Local Government Board, relating to sanitary matters, cannot fail to be of service. Many of these are most valuable and it is to be regretted that the Board does not take steps to bring them under the notice of Medical Officers.

The Index has been made a prominent feature of the book, and no pains have been spared to render it as complete as possible.

The Editor feels it a great pleasure to acknowledge the valuable assistance he has received from Mr. W. T. McGowen, Town Clerk of Bradford, a veteran sanitarian, and one thoroughly familiar with the working of the Public Health Act. He is also much indebted to Mr. H. Sayer, the Deputy Town Clerk of *Sheffield*, for many valuable suggestions.

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# THE PRACTICAL GUIDE O THE SANITARY LAWS.

## PART I.

### PRELIMINARY.

#### Short Title.

This Act may be cited as the Public Health Act, 1875.

#### Extent of Act.

This Act shall not extend to Scotland or Ireland, nor to any town or place (except as by this Act is expressly provided) to the Metropolis.<sup>1</sup>

#### Division of Act into Parts.

This Act is divided into parts, as follows :

Part I.—Preliminary.

Part II.—Authorities for execution of Act.

Part III.—Sanitary Provisions.

Part IV.—Local Government Provisions.

Part V.—General Provisions.

Part VI.—Rating and Borrowing Powers, etc.

Part VII.—Legal Proceedings.

Part VIII.—Alteration of Areas and Union of Districts.

Part IX.—Local Government Board.

Part X.—Miscellaneous and Temporary Provisions.

Part XI.—Saving Clauses and Repeal of Acts.

#### Definitions.

In this Act, if not inconsistent with the context, the words 'Metropolis' is defined further on. For special provisions relating to the Metropolis, *vide* §§ 108, 115, 336 ; Schedule V., Parts i. and ii.



following words and expressions have the meanings hereinafter respectively assigned to them ; that is to say,

‘Borough’<sup>1</sup> means any place for the time being subject to the Act of the session of the fifth and sixth years of the reign of King William the Fourth, chapter seventy-six, intituled ‘An Act to provide for the Regulation of Municipal Corporations in England and Wales,’ and any Act amending the same.

‘The Metropolis’<sup>2</sup> means the City of London and all parishes and places mentioned in Schedules A, B and C to the Metropolis Management Act, 1855 :

‘Local Government district’<sup>3</sup> means any area subject to the jurisdiction of a local board constituted in pursuance of the Local Government Acts before the passing of this Act, or in pursuance of this Act, and ‘local board’ means any board so constituted :

‘Improvement Act district’ means any area for the time being subject to the jurisdiction of any improvement commissioners as hereinafter defined :

‘Improvement Commissioners’ means any commissioners trustees or other persons invested by any local Act with powers of town government and rating :

‘Parish’<sup>4</sup> means a place for which a separate poor-rate

<sup>1</sup> As to new Boroughs, *vide* § 310. The Act of Wm. IV. referred to here was repealed by the Municipal Corporations’ Act, 1882 (45 and 46 Vic., c. 50), but the definition of ‘Borough’ is retained in this Act.

<sup>2</sup> The Unions and Parishes within the Metropolis are :

KENT : *Unions*—Greenwich, Lewisham, Woolwich.

MIDDLESEX : *Unions*—Fulham, Hackney, Holborn, Poplar, St. George’s, City of London, Stepney, Strand, Westminster, Whitechapel.

*Parishes*—Bethnal Green, Chelsea, Hampstead, Islington, Kensington, Mile End Old Town, Paddington, St. George’s-in-the-East, St. Giles-in-the-Fields and St. George’s, Bloomsbury, St. Marylebone, St. Pancras and Shoreditch.

SURREY : *Unions*—St. Olave’s, St. Saviour’s, Wandsworth, and Clapham.

*Parishes*—Camberwell and Lambeth, also the Inner Temple, the Middle Temple, and Gray’s Inn. The City of London, proper, is a county in itself, having grouped around it the eight boroughs of Westminster, Tower Hamlets, Hackney, Finsbury, Marylebone, Chelsea, Lambeth and Greenwich.

<sup>3</sup> *vide* §§ 271 and 272.

<sup>4</sup> *Extra-parochial* places. 20 Vic. c. 19, § 1., provides that all

is or can be made, or for which a separate overseer is or can be appointed :

'Union' means a union of parishes incorporated or united for the relief of or maintenance of the poor under any *public*<sup>1</sup> or local Act of Parliament, and includes any parish subject to the jurisdiction of a separate board of guardians :

'Guardians' means any persons or body of persons by whom the relief of the poor is administered in any union :

'Person' includes any body of persons, whether corporate or unincorporate :

'Local authority'<sup>2</sup> means urban sanitary authority and rural sanitary authority :

'Surveyor'<sup>3</sup> includes any person appointed by a rural authority to perform any of the duties of surveyor under this Act :

'Lands' and 'Premises' include messuages, buildings, lands, easements, and hereditaments of any tenure :

'Owner'<sup>4</sup> means the person for the time being receiving the rackrent of the lands or premises in connection with which the word is used, whether on his own account or as agent or trustee for any other person, or who would so receive the same if such lands or premises were let at a rackrent :

'Rackrent' means rent which is not less than two-thirds of the full net annual value of the property out of which

places separately entered in the Census Report, 1851, which were then extra-parochial, shall be deemed parishes for such purpose as the removal of nuisances. 31 and 32 Vic. c. 122, § 27, deals with certain other extra-parochial lands, *e.g.*, of sea-shore, river-banks ; that they shall, for parochial purposes, be regarded as belonging to the nearest adjoining parish with which they have the largest common boundary.

<sup>1</sup> *I.e.*, the Poor Law Amendment Act, 1834, 4 and 5 Wm. IV. c. 76, § 109.

<sup>2</sup> Urban Sanitary Authority, described §§ 5 and 6 ; Rural do., § 9, *post*.

<sup>3</sup> For Urban Surveyor, *vide* § 189 ; for Rural, *vide* § 190, *post*.

<sup>4</sup> For definitions as to right of voting at election of Local Boards, *vide* Schedule II., No. 10. The definition given above seems to exclude an owner who has let his lands upon a nominal ground-rent, unless he should be the person who if rack-rent were paid would receive it. The trustee of a national school has been held to be an 'Owner' for the purposes of this Act ; so also Ecclesiastical Commissioners, as to a church vested in them.

the rent arises ; and the full net annual value shall be taken to be the rent at which the property might reasonably be expected to let from year to year, free from all usual tenant's rates and taxes, and tithe commutation rentcharge (if any), and deducting therefrom the probable average annual cost of the repairs, insurance, and other expenses (if any) necessary to maintain the same in a state to command such rent :

'Street'<sup>1</sup> includes any highway (not being a turnpike road), and any public bridge (not being a county bridge), and any road, lane, footway, square, court, alley, or passage, whether a thoroughfare or not :

'House'<sup>2</sup> includes schools, also factories and other buildings in which more than twenty persons are employed at one time :

'Drain' means any drain of and used for the drainage of one building only, or premises within the same curtilage,<sup>3</sup> and made merely for the purpose of communica-

<sup>1</sup> Might mean a public bridle-way. It has been laid down that its *primâ facie* meaning is the *roadway* and *footways*, yet it may also include the houses. Jessell, M.R., approved of the definition contained in the 'Imperial Dictionary': 'The *street* itself is no doubt the properly paved or prepared road, that is the street. It sometimes includes the houses along each side of it. But that is not its proper meaning. It is called a street even without houses—there are some streets with no houses. But the usual common meaning of the word "*street*" is a road with houses on one or both sides of it. An unfinished, undedicated private road, containing some houses was held *not* to be a street. Cf. note, § 149, *post*.

<sup>2</sup> Sec. 101 of the Factory Act, 1878 (41 Vic. c. 16) makes an important alteration in this definition. It is there 'declared that the Public Health Act, 1875, shall apply to buildings in which persons are employed, whatever their number may be, in like manner as applies to buildings where more than twenty are employed.' *Primâ facie* a 'house' means a dwelling-house, or a building calculate to be used as such. A vinery attached to a wall has been held to be a '*building*,' so also a wooden building, intended to be a shop, not fixed, but capable of being lifted from the ground. A ship or vessel may, in certain cases, be regarded as a 'house,' *vide* § 11 For what to be deemed a *New Building*, *vide* § 159, *post*.

<sup>3</sup> Defined in Wharton's Law Lexicon as a 'Court-yard, backside or piece of ground lying near to a dwelling-house.' A drain communicating directly with a river, canal or the sea, would not be included in the above definition ; neither are drains for surface water only, belonging to a Highway Authority which is not a 'Local Authority' under this Act.

ting therefrom with a cesspool or other like receptacle for drainage, or with a sewer into which the drainage of two or more buildings or premises occupied by different persons is conveyed :

'Sewer'<sup>1</sup> includes sewers and drains of every description, except drains to which the word 'drain' interpreted as aforesaid applies, and except drains vested in or under the control of any authority having the management of roads and not being a local authority under this Act :

'Slaughter-house'<sup>2</sup> includes the buildings and places commonly called slaughter-houses and knackers' yards, and any building or place used for slaughtering cattle, horses, or animals of any description for sale :

'Water Company' means any person or body of persons corporate or unincorporate supplying or who may hereafter supply water for his or their own profit :

'Waterworks' includes streams springs wells pumps reservoirs cisterns tanks aqueducts cuts sluices mains pipes culverts engines and all machinery lands buildings and things for supplying or used for supplying water, also the stock in trade of any water company :

'Bakehouse Regulation Act'<sup>3</sup> means 26 & 27 Vic. c. 40. (Bakehouse Regulation Act, 1863) :

'Artizans and Labourers Dwellings Act'<sup>4</sup> means 31 & 32 Vic. c. 130. (Artizans and Labourers Dwellings Act, 1868) :

'Baths and Wash-houses Acts'<sup>5</sup> means 9 & 10 Vic. c. 74. (An Act to encourage the establishment of Public Baths and Wash-houses); 10 & 11 Vic. c. 61. (An Act to amend the Act for the establishment of Public Baths and Wash-houses) :

'Labouring Classes Lodging Houses Acts'<sup>6</sup> means 14

<sup>1</sup> Does not include drains for surface-water only, belonging to Highway Authorities. 'In the common sense of the term it means a large and generally underground passage for fluid and feculent matter from a house or houses to some other locality, but it does not comprise a cesspool for the purpose of retaining the sewage, whether as a simple deposit, or to be converted into manure, or other useful purpose.' (Kindersley, V.C.).

<sup>2</sup> Vide § 169, *post*.

<sup>3</sup> Vide §§ 10 and 11, *post*. Also p. 127.

<sup>4</sup> Vide § 10, *post*. The above Acts were amended by 45 and 46 Vic. c. liv. ; as to the Acts, *vide p*.

<sup>5</sup> Vide § 10. The above Acts were amended by 45 and 46 Vic. c. xxx.

<sup>6</sup> Vide § 10.

& 15 Vic. c. 34. (Labouring Classes Lodging Houses Act, 1851); 29 & 30 Vic. c. 28. (Labouring Classes Dwelling Houses Act, 1866); 30 & 31 Vic. c. 28. (Labouring Classes' Dwelling Houses Act, 1867):

'Sanitary Acts'<sup>1</sup> means all the above-mentioned Acts and the Acts mentioned in Part I. of Schedule V. to this Act:

'Sanitary purposes' means any object or purposes of the Sanitary<sup>2</sup> Acts.

'Court of Quarter Sessions' means the court of general or quarter sessions of the peace, having jurisdiction over the whole or any part of the district, or place, in which the matter requiring the cognizance of general or quarter sessions arises:

'Court of Summary Jurisdiction' means any Justice or Justices of the peace, stipendiary or other magistrate or officer by whatever name called, to whom Jurisdiction is given by the Summary Jurisdiction Acts, or any Acts, therein referred to:

'Summary Jurisdiction Acts' means the Act of the session of the eleventh and twelfth years of the reign of Her present Majesty, chapter forty-three, intituled 'An Act to facilitate the performance of' the duties of Justices of the peace out of sessions,' within England and Wales, with respect of 'summary convictions and orders,' and any Act amending the same.

## PART II.

### AUTHORITIES FOR EXECUTION OF ACT.

#### CONSTITUTION OF DISTRICTS AND AUTHORITIES.

#### Urban and Rural Sanitary Districts.

5. For the purposes of this Act England, except the

<sup>1</sup> *Vide* Schedule V.

<sup>2</sup> And of this Act (Public Health Act, 1875).

#### ADDITIONAL DEFINITIONS.

Some further definitions occur in the course of the Act: *e.g.*, Earth-closet, § 37; Dwelling, § 74; Common Lodging House, § 89; Nuisance Authority, § 108; Mortuary, § 141; Superintendent Constable, § 171; Within the prescribed distance, *ib.*; General Expenses, § 229; Special Expenses, *ib.*; Riparian Authority, § 287; Port Sanitary Authority, *ib.*; Special Act, § 316; The Limits of the Special Act, *ib.*; the Promoters of the Undertaking, *ib.*; The Commissioners, *ib.*; The Undertakers, *ib.*; Ratepayer, Schedule L, No. 11; The Local Government Acts, Schedule V., Part 1.

Metropolis,<sup>1</sup> shall consist of districts to be called respectively—

(1) Urban sanitary districts, and

(2) Rural sanitary districts,

(in this Act referred to as *urban* and *rural* districts); and such urban and rural districts shall respectively be subject to the jurisdiction of local authorities, called *urban sanitary authorities* and *rural sanitary authorities* (in this Act referred to as *urban* and *rural authorities*), invested with the powers in this Act mentioned.

### Description of Urban Districts and Urban Authorities.

6. Urban districts shall consist of the places in that behalf mentioned in the first column of the table in this section contained, and urban authorities shall be the several bodies of persons specified in the second column of the said table in relation to the said places respectively.

URBAN DISTRICT.	URBAN AUTHORITY.
Borough <sup>2</sup> constituted such either before or after the passing of this Act.	The Mayor, Aldermen, and Burgesses acting by the Council.
Improvement Act district constituted such before the passing of this Act, and having no part of its area situated within a borough or local government district.	The Improvement Commissioners. <sup>3</sup>
Local Government district <sup>4</sup> constituted such either before or after the passing of this Act, having no part of its area situated within a borough, and not coincident in area with a borough or Improvement Act district. <sup>5</sup>	The Local Board.

Provided that—

<sup>1</sup> *Vide* definition in § 4, *ante*.

<sup>2</sup> *Vide* definition in § 4, *ante*.

<sup>3</sup> *Vide* definition of *Improvement Act District*, and *Improvement Commissioners* in § 4, *ante*.

<sup>4</sup> *Vide* definition in § 4, *ante*.

<sup>5</sup> Boroughs created after passing of this Act, and Districts in which this Act is adopted, will be constituted Sanitary Authorities.

- (1) Any borough, the whole of which is included in and forms part of a Local Government district or Improvement Act district, and any Improvement Act district which is included in and forms part of a Local Government district, and any Local Government district which is included in and forms part of an Improvement Act district, shall for the purposes of this Act be deemed to be absorbed in the larger district in which it is included, or of which it forms part ; and the improvement commissioners or local board, as the case may be, of such larger district, *shall be the urban authority* therein ; and
- (2) Where an Improvement Act district is coincident in area with a Local Government district, the improvement commissioners, and not a local board, *shall be the urban authority* therein ; and
- (3) Where any part of an Improvement Act district is situated within a borough or Local Government district, or where any part of a Local Government district is situated within a borough, the remaining part of such Improvement Act district or of such Local Government district so partly situated within a borough shall for the purposes of this Act continue subject to the like jurisdiction as it would have been subject to if this Act had not been passed, unless and until the Local Government Board by provisional order otherwise directs.

For the purposes of this Act, the boroughs of Oxford, Cambridge, Blandford, Calne, Wenlock, Folkestone, and Newport Isle of Wight, shall not be deemed to be boroughs, and the borough of Cambridge shall be deemed to be an Improvement Act district, and the borough of Oxford to be included in the Local Government district of Oxford. So much of the borough of Folkestone as is not included within the Local Government district of Sandgate shall be an urban district, and shall be under the jurisdiction, for the purposes of this Act, of the authority for executing "The Folkestone Improvement Act, 1855."

#### **Incorporation of Local Boards and Improvement-Commissioners.**

7. *Every local board, and any improvement commis-*

sioners being an urban authority and not otherwise incorporated, shall continue to be or be a body corporate, designated (in the case of local boards and improvement commissioners being urban sanitary authorities at the time of the passing of this Act) by such name as they then bear,<sup>1</sup> and (in the case of local boards constituted after the passing of this Act) by such name as they may with the sanction of the Local Government Board adopt ; with a perpetual succession and a common seal, and with power to sue and be sued in such name, and to hold lands without any license in mortmain for the purposes of this Act.<sup>2</sup>

### **Election of Local Boards.**

8. The members of local boards shall be elective ; and the number and qualification of members of local boards, the qualification of electors, the mode and expenses of election, and the proceedings incident thereto, the retirement and disqualification of members, the proceedings in case of lapse of a local board, and all other matters relating to the election of members of local boards, shall be governed by the rules contained in Schedule II. to this Act.

### **Description of Rural Districts and Rural Authorities.**

9. The area of any union<sup>3</sup> which is not coincident in area with an urban district, nor wholly included in an urban district<sup>4</sup> (in this section called a rural union), with the exception of those portions (if any) of the area which are included in any urban district, shall be a *rural district*, and the guardians of the union shall form the *rural authority of such district* : Provided that—

(1) *An ex-officio guardian*<sup>5</sup> resident in any parish or part of a parish belonging to such union, which

<sup>1</sup> A parliamentary corporation has no existence except for the purposes for which it has been created, and any acts performed beyond its special powers are null and void.

<sup>2</sup> The amount of land which may be held is unlimited.

<sup>3</sup> *Vide* definition in § 4, *ante*.

<sup>4</sup> *Vide* § 4, *post*. Conversion of a Rural District, or part of one, into an Urban District, provided for in § 276, *post*.

<sup>5</sup> Defined in 4 and 5 Will. IV. c. 76, § 38, and 7 and 8 Vic. c. 101, § 24.



parish or part of a parish forms or is situated in an urban district, shall not act or vote in any case in which guardians of such union act or vote as members of the rural authority, unless he is the owner or occupier of property situated in the rural district of a value sufficient to qualify him as an elective guardian for the union :

- (2) An elective guardian of any parish belonging to such union, and forming or being wholly included within an urban district, shall not act or vote in any case in which guardians of such union act or vote as members of the rural authority :
- (3) Where part of a parish belonging to a rural union forms or is situated in an urban district, the Local Government Board may by order divide such parish into separate wards, and determine the number of guardians to be elected by such wards respectively, in such manner as to provide for the due representation of the part of the parish situated within the rural district ; but until such order has been made the guardian or guardians of such parish may act and vote as members of the rural authority in the same manner as if no part of such parish formed part of or was situated in an urban district.

Where the number of elective guardians who are not by this section disqualified from acting and voting as members of the rural authority is less than five, the Local Government Board may from time to time by order nominate such number of persons as may be necessary to make up that number from owners or occupiers of property situated in the rural district of a value sufficient to qualify them as elective guardians for the union, and the persons so nominated shall be entitled to act and vote as members of the rural authority but not further or otherwise.

Subject to the provisions of this Act, all statutes, orders and legal provisions applicable to any board of guardians shall apply to them in their capacity of rural authority<sup>2</sup> under this Act for purposes of this Act : and it is hereby declared that *the rural authority are the same body as the*

<sup>2</sup> The Board of Guardians is the Rural Sanitary Authority.

guardians of the union or parish for or within which such authority act.

### **Powers and Duties of Urban Authorities.**

10. In addition to the powers rights duties capacities liabilities and obligations exercisable by or attaching to an urban authority under this Act, every urban authority shall within their district (to the exclusion of any other authority which may have previously exercised or been subject to the same) have exercise and be subject to all the powers rights duties capacities liabilities and obligations within such district exercisable or attaching by and to the local authority under the Bakehouse Regulation Act, and the Artizans and Labourers Dwellings Acts, or any Acts amending the same.<sup>1</sup>

Where the Baths and Wash-houses Acts and the Labouring Classes Lodging Houses Acts, or any of them, are in force within the district of any urban authority, such authority shall have all powers rights duties capacities liabilities and obligations in relation to such Acts exercisable by or attaching to the council incorporated commissioners local board improvement commissioners and other commissioners or persons acting in the execution of the said Acts or any of them.

Where the Baths and Wash-houses Acts are not in force within the district of any urban authority, such authority may adopt such Acts ; and where the Labouring Classes Lodging Houses Acts are not in force within the district of any urban authority, such authority may adopt such Acts.

Where any local Act other than an Act for the conservancy of any river is in force within the district of an urban authority, conferring on any commissioners trustees or other persons powers for purposes the same as or similar to those of this Act (but not for their own pecuniary benefit), all the powers rights duties capacities liabilities and obligations of such commissioners trustees or other persons in relation to such purposes shall be transferred and attach to the said urban authority.

<sup>1</sup> *Vide* p. 123, *post*. Under § 18 of the Factory Act, 1883 (*vide* p. 125, *post*), 'the Local Authorities' responsible for the sanitary condition of Bakehouses in rural and urban sanitary districts are the Rural and Urban Sanitary Authority.

**Powers and Duties of Rural Authorities.**

11. In addition <sup>z</sup> to the powers rights duties capacities liabilities and obligations exercisable by or attaching to a rural authority under this Act, every rural authority shall, within their district (to the exclusion of any other authority which may have previously exercised or been subject to the same), have exercise and be subject to all the powers rights duties capacities liabilities and obligations within such district exercisable by or attaching to the local authority under the Bakehouse Regulation Act, or any Acts amending the same.

**Vesting of Property in Local Authorities.**

12. From and after the passing of this Act all such property real and personal, including all interests rights and easements in to and out of property real and personal (including things in action), as belongs to or is vested in, or would but for this Act have belonged to or been vested in the council of any borough, or any improvement commissioners or local board as the urban sanitary authority of any district under the Sanitary Acts, or any board of guardians as the rural sanitary authority of any district under those Acts, shall continue vested or vest in such council, improvement commissioners, or local board, or board of guardians as the local authority of their district under this Act, subject to all debts liabilities and obligations affecting the same property.

All debts liabilities and obligations incurred by any authority whose powers rights duties liabilities capacities and obligations are under this Act exercisable by or attached to a local authority may be enforced against the local authority to the same extent and in the same manner as they might have been enforced against the authority which incurred the same.

<sup>z</sup> This § confers on Rural Authorities powers under the Bakehouse Regulation Act; others are conferred throughout the Act; they may obtain the powers of Urban Sanitary Authorities under § 276, P. H. A. But *vide* p. 23, n. 1, *ante*.

## PART III.

### SANITARY PROVISIONS.

#### SEWERAGE AND DRAINAGE.

##### REGULATIONS AS TO SEWERS AND DRAINS.

##### **Sewers vested in Local Authority.**

13. All existing and future sewers within the district of a local authority, together with all buildings works materials and things belonging thereto,

Except

- (1) Sewers<sup>1</sup> made by any person for his own profit, or by any company for the profit of the shareholders; and
- (2) Sewers made and used for the purpose of draining preserving or improving land under any local or private Act of Parliament, or for the purpose of irrigating land; and
- (3) Sewers under the authority of any commissioners of sewers appointed by the Crown,

shall vest in and be under the control of such local authority.

Provided that sewers within the district of a local authority which have been or which may hereafter be constructed by or transferred to some other local authority or by or to a sewage board or other authority empowered under any Act of Parliament to construct sewers shall (subject to any agreement to the contrary) vest in and be under the control of the authority who constructed the same or to whom the same have been transferred.

##### **Power to purchase Sewers.**

14. Any local authority may purchase or otherwise<sup>2</sup>

<sup>1</sup> The definition of 'sewer' in § 4, *ante*, excludes drains for surface water only, or such as are vested in a Highway Authority not being a Local Authority. A sewer constructed by a Local Authority *without* their district is vested in the constructing authority, or in that to which it has been transferred.

<sup>2</sup> *E.g.*, by gift, as from a private owner who is unwilling to continue maintenance.

acquire from any person any sewer, or any right of making or of user or other right in or respecting a sewer (with or without any buildings works materials or things belonging thereto), within their district, and any person may sell or grant to such authority any such sewer right or property belonging to him ; and any purchase money paid by such authority in pursuance of this section shall be subject to the same trusts (if any) as the sewer right or property sold was subject to.

But any person who, previously to the purchase of a sewer by such authority, has acquired a right to use such sewer shall be entitled to use the same, or any sewer substituted in lieu thereof, to the same extent as he would or might have done if the purchase had not been made.

#### **Maintenance and making of Sewers.**

15. Every local<sup>1</sup> authority shall keep in repair all sewers belonging to them, and shall cause to be made such sewers as may be necessary for effectually draining their district for the purposes of this Act.

#### **Powers for making Sewers.**

16. Any local authority may carry any sewer through across or under any turnpike road, or any street<sup>2</sup> or place laid out as or intended for a street, or under any cellar or vault which may be under the pavement or carriageway of any street, and, after giving reasonable notice in writing to the owner or occupier (if on the report of the surveyor it appears necessary), into through or under any lands whatsoever within their district.

<sup>1</sup> Both Rural and Urban ; default on the part of either provided for in §§ 106 and 299, *post*. This § gives no power to cover in stream of pure water with a view to utilization as sewer ; nor may a stream become polluted with sewage be treated by Sanitary Authority as a sewer, so as to become a nuisance. Local Authority has no legal right to create a nuisance. Under § 150, *post*, Local Authority may compel adjoining owners to provide sewers, etc., in streets not repairable by the inhabitants at large. Local Authorities may not convey sewage into canal or river, and thereby create a nuisance, or pollute water with impunity.

<sup>2</sup> *Vide* definition in § 4, *ante*. 'As to service, etc., of notice, *vide*, §§ 266, 267, *post*.

They may also (subject to the provisions of this Act relating to sewage works without the district of the local authority) exercise all or any of the powers given by this section without their district for the purpose of outfall or distribution of sewage.

**Sewage to be purified before being discharged into Streams.<sup>1</sup>**

17. Nothing in this Act shall authorize any local authority to make or use any sewer drain or outfall for the purpose of conveying sewage or filthy water into any natural stream or watercourse, or into any canal pond or lake until such sewage or filthy water is freed from all excrementitious or other foul or noxious matter such as would affect or deteriorate the purity and quality of the water in such stream or watercourse or in such canal pond or lake.

**Alteration and discontinuance of Sewers.**

18. Any local authority may from time to time enlarge lessen alter the course of cover in or otherwise improve any sewer belonging to them, and may discontinue close up or destroy any such sewer that has in their opinion become unnecessary, on condition of providing a sewer as effectual for the use of any person who may be deprived

<sup>1</sup> N.B.—Into *any* stream within or without the district.

The following remarks on the general subject may be of use :

A riparian owner has right to the *unaltered* water of natural stream flowing through the land. If owner higher up pollute the water he is open to action, unless secured by long enjoyment or grant.

Under § 69, *post*. Local Authority may take proceedings to prevent pollution of stream ; under § 48, *post*, it may cause offensive water-courses, etc., on boundary of district to be cleansed ; under §§ 91—111, nuisances from foul water-courses, etc., may be abated. *Cf.* also River Pollution Act, p. 125, *post*.

Local Authority may not claim right to discharge sewage into a river because it already receives sewage from some houses. A person having a right to an ancient stream may apply for an injunction to prevent discharge of sewage being increased so as to become a nuisance. A Corporation having a legal right to discharge sewage into a public river has been restrained when the effect was such as to endanger the health of those living on the banks, even though the restraint would affect the health of the Borough.

in pursuance of this section of the lawful use of any sewer: Provided that the discontinuance closing up or destruction of any sewer shall be so done as not to create a nuisance.

### **Cleansing Sewers.**

19. Every local authority *shall* cause the sewers belonging to them to be constructed covered ventilated<sup>1</sup> and kept so as not to be a nuisance or injurious to health, and to be properly cleansed and emptied.

### **Map of System of Sewerage.**

20. An urban authority may, if they think fit, provide a map exhibiting a system of sewerage for effectually draining their district, and any such map shall be kept in their office, and shall at all reasonable times be open to the inspection of the ratepayers<sup>2</sup> of their district.

### **Power of Owners and Occupiers within District to drain into Sewers of Local Authority.**

21. The *owner*<sup>3</sup> or *occupier* of any premises within the district of a local authority shall be entitled to cause his drains<sup>4</sup> to enter into the sewers of that authority on condition of his giving such notice as may be required by that authority of his intention so to do, and of complying with the regulations of that authority in respect of the mode in which the communications between such drains and sewers are to be made, and subject to the control of any person who may be appointed by that authority to superintend the making of such communications.

Any person causing a drain to empty into a sewer of a local authority without complying with the provisions of this section shall be liable to a *penalty* not exceeding *twenty pounds*, and the local authority may close any communication between a drain and a sewer made in contravention of this section, and may recover in a summary manner from the person so offending any expenses incurred by them under this section.

<sup>1</sup> N.B.—this important duty, the neglect of which will cause the authority to be in default; as to which, *vide* §§ 106 and 209, *post*.

<sup>2</sup> Not defined in this Act, except for election purposes. Schedule II., Part I., Rule II.

<sup>3</sup> *Vide* definition, § 4, *ante*.

<sup>4</sup> *Vide* definition, § 4, *ante*.

### Use of Sewers by Owners and Occupiers without District.

22. The *owner*<sup>1</sup> or *occupier* of any premises without the district of a local authority may cause any sewer<sup>2</sup> or drain from such premises to communicate with any sewer of the local authority on such terms and conditions as may be agreed on between such owner or occupier and such local authority, or as in case of dispute may be settled, at the option of the owner or occupier, by a court of summary jurisdiction or by arbitration in manner provided by this Act.

### Power of Local Authority to enforce Drainage of undrained Houses.

23. Where any house within the district of a local authority is without a drain<sup>2,3</sup>, sufficient for effectual drainage, the local authority shall by written notice require the *owner* or *occupier* of such house, within a reasonable time therein specified, to make a covered drain or drains emptying into any sewer which the local authority are entitled to use, and which is not more than one hundred feet from *the site*<sup>4</sup> of such house; but if no such means of drainage are within that distance, then emptying into such covered cesspool or other place not being under any house as the local authority direct; and the local authority may require any such drain or drains to be of such materials<sup>5</sup> and size, and to be laid at such level, and with such fall as on the report of their surveyor may appear to them to be necessary.

<sup>1</sup> *Vide* definition, § 4, *ante*.

<sup>2</sup> *Vide* definition, § 4, *ante*.

<sup>3</sup> *Cf.* § 157, *post*, for power of Authority to make bye-laws for the drainage of buildings. *N.B.*—§§ 23 and 24 apply both to urban and rural authorities; § 25 only to urban.

<sup>4</sup> Presumably 100 feet from 'the site' would mean 100 feet *from the boundary* of the plot upon which the house stands. *Cf.* § 25, *post*.

<sup>5</sup> Local authority have the power to decide whether their directions as to material have been obeyed; and an injunction to restrain an authority from removing Aylesford pipes substituted for 'stoneware of the best kind and quality,' which had been ordered by the local authority, was refused.



If such notice is not complied with, the local authority may, after the expiration of the time specified in the notice, do the work required, and may recover in a summary manner the expenses incurred by them in so doing from the owner, or may by order declare the same to be private improvement expenses.

Provided that where, in the opinion of the local authority, greater expense would be incurred in causing the drains of two or more houses to empty into an existing sewer pursuant to this section, than in constructing a new sewer and causing such drains to empty therein, the local authority may construct such new sewer, and require the *owners* or *occupiers* of such houses to cause their drains to empty therein, and may apportion as they deem just the expenses of the construction of such sewer among the *owners* of the several houses, and recover in a summary manner the sums apportioned from such owners, or may by order declare the same to be private improvement expenses.

#### **Power of Local Authority to require Houses to be drained into New Sewers.**

24. Where any house within the district of a local authority has a drain communicating with any sewer, which drain though sufficient for the effectual drainage of the house is not adapted to the general sewerage system of the district, or is in the opinion of the local authority otherwise objectionable, the local authority may, on condition of providing a drain or drains as effectual for the drainage of the house, and communicating with such other sewer as they think fit, close such first-mentioned drain, and may do any works necessary for that purpose, and the expenses of those works, and of the construction of any drain or drains provided by them under this section, shall be deemed to be expenses properly incurred by them in the execution of this Act.

#### **Penalty on building House without Drain in Urban District.**

25. It shall not be lawful in any urban district <sup>1</sup> newly

<sup>1</sup> *N.B.* the restriction to urban districts. Guardians can obtain the powers of urban authority under § 276, *post*.

to erect any house or to rebuild any house *which has been pulled down to or below the ground floor*,<sup>1</sup> or to occupy any house so newly erected or rebuilt, unless and until a covered drain or drains be constructed, of such size and materials, and at such level, and with such fall as on the report of the surveyor<sup>2</sup> may appear to the urban authority to be necessary for the effectual drainage of such house; and the drain or drains so to be constructed shall empty into any sewer which the urban authority are entitled to use, and which is within one hundred feet of some part of the site<sup>3</sup> of the house to be built or rebuilt; but if no such means of drainage are within that distance, then shall empty into such covered cesspool or other place, not being under any house, as the urban authority direct.

Any person<sup>4</sup> who causes any house to be erected or rebuilt or any drain to be constructed in contravention of this section shall be liable to a *penalty* not exceeding *fifty pounds*.

**Penalty on Unauthorized Building over Sewers and under Streets in Urban District.**

26. Any person who in any urban district, without the written consent of the urban authority,—

- (1) Causes any building to be newly erected over any sewer of the urban authority:—or,
- (2) Causes any vault arch or cellar to be newly built or constructed under the carriageway of any street,<sup>5</sup>

shall forfeit to the urban authority the sum of *five pounds*, and a further sum of *forty shillings* for every day during which the offence is continued after written notice in this behalf from the Urban authority; and the urban authority may cause any building vault arch or cellar erected or constructed in contravention of this section to be altered pulled down or otherwise dealt with as they may think

<sup>1</sup> This constitutes a new building under § 159, *post*.

<sup>2</sup> *I.e.*, of the Urban Authority.

<sup>3</sup> For meaning of 'site,' *vide* note 4, § 23, *ante*.

<sup>4</sup> No reference to occupier. It is the person who causes the work to be done who is liable. As to recovery of penalty, *vide* § 251, *post*.

<sup>5</sup> *Vide* definition, § 4, *ante*. The footpath is not included—the objection evidently being to erecting an obstruction to future sewers. The footpath is included under the special powers in some *local Acts*.

fit, and may recover in a summary manner any expenses incurred by them in so doing from the offender.

DISPOSAL OF SEWAGE.<sup>1</sup>

**Powers for disposing of Sewage.**

27. For the purpose of receiving storing disinfecting distributing or otherwise disposing of sewage any local authority may—

- (1) Construct any works within their district, or (subject to the provisions of this Act as to sewage works without the district of the local authority) without their district ; and
- (2) Contract for the use of purchase or take on lease any land buildings engines materials or apparatus either within or without their district ; and
- (3) Contract to supply for any period not exceeding twenty-five years any person with sewage, and as to the execution and cost of works either within or without their district for the purposes of such supply :

Provided that no nuisance be created in the exercise of any of the powers given by this section.

**Power to agree for Communication of Sewers with Sewers of adjoining District.**

28. The local authority of any district may, by agreement with the local authority of any adjoining district, and with the sanction of the Local Government Board, cause their sewers to communicate with the sewers of such last-mentioned authority, in such manner and on such terms and subject to such conditions as may be agreed on between the local authorities, or, in case of dispute, may be settled by the Local Government Board : Provided that so far as practicable storm waters shall be

<sup>1</sup> *Vide* §§ 32-34, *post*, as to sewage works *without* the district. By § 285, *post*, provision is made for combining with adjoining authority to execute works. § 268, *post*, provides power of appeal to Local Government Board against decision of the local authority. An injunction may be obtained to restrain Local Authority from proceeding with their sewage or drainage-works if they create a nuisance and injure property. *Vide* §§ 68-70, *post*, as to protection of water from fouling.

prevented from flowing from the sewers of the first-mentioned authority into the sewers of the last-mentioned authority, and that the sewage of other districts or places shall not be permitted by the first-mentioned authority to pass into their sewers so as to be discharged into the sewers of the last-mentioned authority without the consent of such last-mentioned authority.

**Power to deal with Land appropriated to Sewage Purposes.**

29. Any local authority may deal with any lands held by them for the purpose of receiving storing disinfecting or distributing sewage in such manner as they deem most profitable, either by leasing the same for a period not exceeding twenty-one years for agricultural purposes, or by contracting with some person to take the whole or a part of the produce of such land, or by farming such land and disposing of the produce thereof; subject to this restriction, that in dealing with land for any of the above purposes, provision shall be made for effectually disposing of all the sewage brought to such land without creating a nuisance.

**Contribution to Works under Agreement for Supply or Distribution of Sewage.**

30. Where any local authority agree with any person a to the supply of sewage and as to works to be made for the purpose of such supply, they may contribute to the expense of carrying into execution by such person all or any of the purposes of such agreement, and may become shareholders in any company with which any agreement in relation to the matters aforesaid has been or may hereafter be entered into by such local authority, or to or in which the benefits and obligations may have been or may be transferred or vested.

**Application of 27 and 28 Vict. c. 114 to Works for Supply of Sewage.**

31. The making of works of distribution and service for the supply of sewage to lands for agricultural purposes shall be deemed an 'improvement of land' authorised by 'The Improvement of Land Act, 1864,' and the provisions of that Act shall apply accordingly.

AS TO SEWAGE WORKS WITHOUT DISTRICT.  
**Notice to be given before commencing Sewage Works  
 without District.**

32. A local authority shall, three months<sup>†</sup> at least before commencing the construction or extension of any sewer or other work for sewage purposes without their district, give notice of the intended work by advertisement in one or more of the local newspapers circulated within the district where the work is to be made.

Such notice shall describe the nature of the intended work, and shall state the intended termini thereof, and the names of the parishes, and the turnpike roads and streets, and other lands (if any) through across under or on which the work is to be made, and shall name a place where a plan of the intended work is open for inspection at all reasonable hours; and a copy of such notice shall be served on the owners or reputed owners, lessees or reputed lessees, and occupiers of the said land, and on the overseers of such parishes, and on the trustees, surveyors of highways, or other persons having the care of such roads or streets.

**In case of Objection, Works not to be commenced  
 without Sanction of Local Government Board.**

33. If any such owner, lessee, or occupier, or any such overseer, trustee, surveyor, or other person as aforesaid, or any other owner, lessee, or occupier who would be affected by the intended work, objects to such work, and serves notice in writing of such objection on the local

<sup>†</sup> *I.e.*, calendar months; should be calculated exclusive of the day of notice. After a month's notice of a meeting on the 28th of one month the meeting may be held on the 29th of the next, no matter how many days there be in the first month. By 'The Statutes (Definition of Time) Act, 1880' (43 and 44, c. 9, § 1), whenever any expression of time occurs in any Act of Parliament, or legal instrument, the time referred to shall, unless it be otherwise specified, be held in Great Britain to be Greenwich meantime, and in the case of Ireland, Dublin meantime. When an act is required to be done so many days 'at least' before a given date, there must be the specified number of days between the act and the event: 'Ten days' notice of an appeal to the Sessions means one day inclusive, and one day exclusive. A three days' notice to abate a nuisance given on a Monday, would expire on Thursday, at 12 a.m.; if given on Saturday, would expire on Tuesday, at 12 a.m. A twenty-four hours' notice given on Monday, at 12 noon, would expire on Tuesday at 12 a.m.

authority at any time within the said three months, the intended work shall not be commenced without the sanction of the Local Government Board after such inquiry as hereinafter mentioned,<sup>1</sup> unless such objection is withdrawn.

**Inspector to hold Inquiry and report to Local Government Board.**

34. The Local Government Board may, on application of the local authority, appoint an inspector to make inquiry<sup>2</sup> on the spot into the propriety of the intended work and into the objections thereto, and to report to the Local Government Board on the matters with respect to which such inquiry was directed, and on receiving the report of such inspector, the Local Government Board may make an order disallowing or allowing, with such modifications (if any) as they may deem necessary, the intended work.

PRIVIES, WATERCLOSETS, ETC.

**Penalty on building Houses without Privy Accommodation.**

35. It shall not be lawful newly to erect any house,<sup>3</sup> or to rebuild<sup>4</sup> any house pulled down to or below the ground

<sup>1</sup> In § 34, *post*.

<sup>2</sup> With regard to local inquiries by the Local Government Board, *vide* §§ 293-296, *post*. Application should be made on folio foolscap paper, and signed by the Clerk of the Local Authority. Local inquiries are directed by the Act with respect to the following matters, *viz.*, the construction of sewage works without the district of the Local Authority, where objection is made to them (§ 34); the construction of large reservoirs for water (unless they are constructed under powers conferred by special Acts), where objection is made to them (§ 53); the purchase of lands otherwise than by agreement (§ 176); the borrowing of money by the local authority beyond a certain amount (§ 234); the settlement of boundaries of places not having settled and defined boundaries (§ 272); the constitution of a Local Government District where a petition is presented against it (§ 273); or the validity of the vote for its constitution is disputed (§ 274); disputes respecting the boundaries of the districts of Improvement Commissioners or Local Boards (§ 278); the making of provisional orders where the subject matter is one to which a local inquiry is applicable (§ 297); and the division of a Local Government District into wards (Schedule II., 6)

<sup>3</sup> *Vide* definition, § 4.

<sup>4</sup> This constitutes 'the erection of a new building;' *vide* § 159, *post*; also *cf.*, p. 31, note 1, *ante*.

floor, without a sufficient<sup>1</sup> watercloset earthcloset or privy and an ashpit<sup>2</sup> furnished with proper doors and coverings.

Any person who causes any house to be erected or rebuilt in contravention of this enactment shall be liable to a *penalty* not exceeding *twenty pounds*.<sup>3</sup>

### **Power of Local Authority to enforce Provision of Privy Accommodation for Houses.**

36. If a house within the district of a local authority appears to such authority by the report<sup>4</sup> of their surveyor or inspector of nuisances<sup>5</sup> to be without a *sufficient*<sup>6</sup> water-closet earthcloset or privy and an ashpit furnished with proper doors and coverings, the local authority *shall*,<sup>7</sup> by written notice,<sup>8</sup> require the *owner* or *occupier*<sup>9</sup> of the house, within a reasonable time therein specified, to provide a *suffi-*

<sup>1</sup> In case of dispute the Justices will decide as to what is or is not *sufficient*.

<sup>2</sup> *I. e.*, privy and ashpit combined.

<sup>3</sup> *vide* § 251, *post*, for recovery of penalty.

This section refers to houses built or rebuilt after the passing of this Act: § 36 to all houses new or old.

It is important to note that a local authority will find it difficult if not impossible to establish any general system of privies, etc., in their district in preference to any other system. It has been decided on appeal that a Local Authority under the Metropolis Local Management Act could not insist on the *general* adoption of water-closets instead of privies throughout the district. The particular circumstances of each house, court, etc., must be considered, and the proposed alteration must have reference to such. Still, some energetic authorities have overcome the difficulty and against opposition. A most important decision of the Queen's Bench decided on appeal, that the Justices of Nottingham rightly specified that in a particular case a pail-closet should be constructed instead of a w. c., which was a nuisance (Law Reports, Vol. VI., Q. B. D. *Ex parte* Whitechurch, March 5, 1881; also the Weekly Notes, June 16, 1883, p. 112.)

<sup>4</sup> Inspector is to report, but the local authority to decide as to the sufficiency or otherwise.

<sup>5</sup> First mention of. Under § 191 the M.O.H. may perform any of the duties of the inspector: as to appointment, *vide* § 189, *post*. Mentioned in the following §§, 36, 41, 49, 116, 118 and 119; § 3, Public Health (Water) Act, 1878, and § 4, Factory and Workshops Act, 1878.

<sup>6</sup> As to privies, etc., which are a nuisance, *vide* §§ 47 and 91, *post*.

<sup>7</sup> A duty incumbent on both rural and urban authorities.

<sup>8</sup> As to service, etc., of, *vide* §§ 266 and 267, *post*.

<sup>9</sup> If occupier obstruct, the owner may enter to execute works under § 306, *post*.

*cient*<sup>1</sup> watercloset earthcloset or privy and an ashpit furnished as aforesaid, or either of them, as the case may require.

If such notice is not complied with, the local authority may, at the expiration of the time specified in the notice, do the work thereby required to be done, and may recover in summary manner<sup>2</sup> from the *owner*<sup>3</sup> the expenses incurred by them in so doing, or may by order declare the same to be private improvement expenses<sup>4</sup>: Provided that where a watercloset earthcloset or privy has been and is used in common by the inmates of two or more houses, or if in the opinion of the local authority a watercloset earthcloset or privy may be so used, they need not<sup>5</sup> require the same to be provided for each house.

#### As to Earthclosets.

37. Any enactment in force within the district of any *local* authority requiring the construction of a watercloset shall be deemed to be satisfied by the construction, with the approval of the local authority, of an *earthcloset*.

Any local authority may, as respects any house in which any earthcloset is in use with their approval, dispense with the supply of water required by any contract or enactment to be furnished to any watercloset in such house, on such terms as may be agreed on between such authority and the person providing or required to provide such supply of water.

Any local authority may themselves undertake or *contract*<sup>6</sup> with any person to undertake a supply of dry earth or other deodorizing substance to any house within their district for the purpose of any earthcloset.

In this Act the term 'earthcloset' includes any place for the reception and deodorization of fecal matter constructed to the satisfaction of the local authority.

<sup>1</sup> The local authority would have to prove insufficiency of any works executed by owner or occupier.

<sup>2</sup> *Vide* § 251, *post*.

<sup>3</sup> The expenses are to be recovered from the *owner*, though notice may be given to either him or the occupier. (*Cf.* § 41, *post*. Appeal may be made to L. G. B., under § 268.

<sup>4</sup> *Vide* § 213, *post*.

<sup>5</sup> *I.e.*, although 'sufficient watercloset or privy accommodation' *must* be provided, in this last case the matter is optional with the authority what steps to take.

<sup>6</sup> *Vide* §§ 173 and 174, *post* as to contracts; and § 120, *post*, as to disinfection.



**Privy Accommodation for Factories.**

38. Where it appears to *any*<sup>1</sup> local authority by the report of their surveyor<sup>2</sup> that any house<sup>3</sup> is used or intended to be used as a factory or building in which persons of both sexes are employed or intended to be employed at one time in any manufacture trade or business, the local authority *may*, if they think fit, by written *notice*<sup>4</sup> require the *owner* or *occupier*<sup>5</sup> of such house, within the time therein specified, to construct a sufficient<sup>6</sup> number of waterclosets earthclosets or privies and ashpits for the separate use of each sex.

Any person who neglects or refuses to comply with any such notice shall be liable for each default to a *penalty* not exceeding *twenty pounds*, and to a further *penalty*<sup>7</sup> not exceeding *forty shillings* for every day during which the default is continued.

[*As to Nuisance, &c., in Factories, vide § 91 post.*]

**Public Necessaries.**

39. Any urban authority may, if they think fit, provide and maintain, in proper and convenient situations, urinals waterclosets earthclosets privies and ashpits, and other similar conveniences for public accommodation.

**Drains, Privies, etc., to be properly kept.**

40. Every local authority *shall* provide that all drains waterclosets earthclosets privies ashpits and cesspools within their district be constructed and kept so as not to be a nuisance *or* injurious<sup>8</sup> to health.

<sup>1</sup> Rural or urban.

<sup>2</sup> Surveyor only (*cf.* § 36, line 2); the authority will decide as to necessity for action.

<sup>3</sup> *Vide* definition, § 4.

<sup>4</sup> *Vide* §§ 266 and 267 as to notices.

<sup>5</sup> *N.B.* liability of *occupier* in this instance.

<sup>6</sup> The Justices will decide, in a dispute, as to sufficiency.

<sup>7</sup> *Vide* § 251, *post*, as to recovery.

<sup>8</sup> *Vide* § 47. and § 91, *et seq.*, as to nuisances and their abatement. *As to default, vide* §§ 106 and 299, *post*.

*N.B.* nuisance *or* injurious; *cf.* § 91, sub.-§ 4, and note 6.

### Examination of Drains, Privies, etc., on Complaint of Nuisance.

41. On the written application of *any person* to a local authority, stating that any drain watercloset earthcloset privy ashpit or cesspool on or belonging to any premises within their district is a nuisance<sup>1</sup> or injurious to health (but not otherwise), the local authority *may*, by writing, empower their surveyor or inspector of nuisances, after twenty-four hours written notice<sup>2</sup> to *the occupier* of such premises, or in case of emergency<sup>3</sup> without notice, to enter such premises with or without assistants, and cause the ground to be opened, and examine such drain watercloset earthcloset privy ashpit or cesspool. If the drain, watercloset earthcloset privy ashpit or cesspool on examination is found to be in proper condition, he shall cause the ground to be closed, and any damage done to be made good as soon as can be, and the expenses of the works shall be defrayed by the local authority. If the drain watercloset earthcloset privy ashpit or cesspool on examination appear to be in bad condition, or to require alteration, or amendment, the local authority *shall* forthwith cause notice in writing to be given to the *owner* or *occupier* of the premises requiring him forthwith or within a reasonable time therein specified to do the necessary works; and if such notice is not complied<sup>4</sup> with, the person to whom it is given shall be liable to a *penalty*<sup>5</sup> not exceeding *ten shillings* for every day during which he continues to make default, and the local authority may, if they think fit, execute such works, and may recover in a *summary* manner from *the owner*<sup>6</sup> the expenses incurred by them in so doing, or may by order declare the same to be *private improvement expenses*.<sup>7</sup>

<sup>1</sup> *N.B.* nuisance or injurious. *Cf.* § 91, sub. § 4, and note 6.

<sup>2</sup> By whom? Probably by clerk, surveyor or inspector of nuisances, *vide* § 266, *post*.

<sup>3</sup> To be decided by local authority in first instance; in case of subsequent dispute by the Justices.

<sup>4</sup> The Justices cannot overrule this order; possibly the Local Government could on appeal.

<sup>5</sup> As to recovery, *vide* § 251, *post*.

<sup>6</sup> *Vide* definition, § 4, *ante*. *N.B.*, 'from the *owner*,' although both *owner* and *occupier* are liable to do the work. *Cf.* § 36, *ante*.

<sup>7</sup> *Vide* § 213, *post*.

## SCAVENGING AND CLEANSING.

## REGULATIONS AS TO STREETS AND HOUSES.

**Local Authority to provide for Cleansing of Streets and Removal of Refuse.**

42. Every local authority may, and when required by order of the Local Government Board *shall*, themselves undertake or contract for—

The removal of house refuse from premises ;

The cleansing of earthclosets privies ashpits and cess-pools ;

either for the whole or any part of their district : Moreover, every urban authority and any rural authority *invested*<sup>1</sup> by the Local Government Board with the requisite powers may, and when required by order of the said Board shall, themselves undertake or contract for the proper cleansing of *streets*, and may also themselves undertake or contract for *the proper watering of streets*<sup>2</sup> for the whole or any part of their district.

All matters collected by the local authority or contractor in pursuance of this section may be sold or otherwise disposed of, and any profits thus made by an *urban* authority shall be carried to the account of the *fund or rate applicable*<sup>3</sup> by them for the general purposes of this Act ; and any profits thus made by a *rural* authority in respect of any contributory place shall be carried to the account of the fund or rate out of which expenses incurred under this section by that authority in such contributory place are defrayed.

If any person removes or obstructs the local authority or contractor in removing any matters by this section authorized to be removed by the local authority, he shall for each offence be liable to a *penalty*<sup>4</sup> not exceeding *five*

<sup>1</sup> *Vide* § 276, *post*. .V.B. The local authority may be compelled to cleanse the streets ; the watering of them is quite optional.

<sup>2</sup> *Vide* definition, § 4, *ante*.

<sup>3</sup> But the rural authority has no such fund or rate. See, however, § 229. As to general district funds and rates of *urban* authority, *vide* §§ 209, *post*, *et seq.* ; and as to the funds from which the expenses of *rural* authorities are to be paid, *vide* §§ 229 and 230 *post*.

<sup>4</sup> For recovery, *vide* § 251 *post*.

*pounds* : Provided that the *occupier* of a house within the district shall not be liable to such penalty in respect of any such matters which are produced on his own premises and are intended to be removed for sale or for his own use, and are in the mean time kept so as *not to be a nuisance*.<sup>1</sup>

### **Penalty on Neglect of Local Authority to Remove Refuse, etc.**

43. If a local authority who have themselves undertaken or contracted for the removal of house refuse from premises, or the cleansing of earthclosets privies ashpits and cesspools fail, without reasonable excuse, *after notice in writing* from the occupier of any house within their district, requiring them to remove any house refuse or to cleanse any earthcloset privy ashpit or cesspool belonging to such house or used by the occupiers thereof, to cause the same to be removed or cleansed, as the case may be, within seven days, the local authority shall be liable to pay to the occupier of such house a *penalty* not exceeding *five shillings* for every day during which such default continues after the expiration of the said period.

### **Power of Local Authority to make Byelaws imposing Duty of Cleansing, etc., on Occupier.**

44. Where the local authority do not themselves undertake or contract for—

The cleansing of *footways* and *pavements* adjoining any premises,

The removal of *house refuse* from any premises,

The cleansing of *earthclosets privies ashpits* and *cesspools* belonging to any premises, they may make *byelaws*<sup>2</sup> imposing the duty of such cleansing or removal, at such intervals as they think fit, on the occupier of any such premises.

An urban authority may also make byelaws for the prevention of nuisances arising from snow filth dust ashes

<sup>1</sup> If they become a nuisance (*i.e.*, a public nuisance), the occupier becomes liable.

<sup>2</sup> *N.B.* the distinction : local authority may contract for cleansing roads, but cannot make bye-laws for doing so, though it can make byelaws for cleansing footways and pavements.

and rubbish, and for the prevention of the keeping of *animals*<sup>1</sup> on any premises so as to be injurious<sup>2</sup> to health.

### **Power to provide Receptacles for Deposit of Rubbish.**

45. Any *urban* authority may, if they see fit, provide in proper and convenient situations receptacles for the temporary deposit and collection of dust ashes and rubbish; they may also provide fit buildings and places for the deposit of any matters collected by them in pursuance of this part of this Act.

### **Houses to be purified, on Certificate of Officer of Health, or of two Medical Practitioners.**

46. Where, on the certificate of the medical officer of health or of any two *medical practitioners*,<sup>3</sup> it appears to *any*<sup>4</sup> local authority that any house or part thereof is in such a filthy or unwholesome condition that the health of any person is affected or endangered thereby, or that the whitewashing cleansing or purifying of any house or part thereof would tend to prevent or check *infectious*<sup>5</sup> disease, the local authority shall give notice<sup>6</sup> in writing to the *owner* or *occupier*<sup>7</sup> of such house or part thereof to white-wash cleanse or purify the same, as the case may require.

If the person to whom notice is so given fails to comply therewith within the time therein specified, he shall be liable to a *penalty* not exceeding *ten shillings* for every day during which he continues to make default; and the local authority may, if they think fit, cause such house or

<sup>1</sup> *Vide* § 91, *post*, also § 47 (pigs): § 50 (manure); § 49 (accumulations of filth).

<sup>2</sup> As to making of bye-laws, *vide* § 182, *post*; as to their confirmation, *vide* § 184; and as to their enforcement, *vide* § 251.

<sup>3</sup> Elsewhere 'legally' or 'duly qualified' medical practitioner, is usually added, *i.e.*, under 21 and 22 Vic. c. 90, § 34. Under § 120, *post*, cleansing and disinfecting may be ordered on certificate of *any one legally qualified medical practitioner*, with a penalty, on default, of not less than *one shilling*, and of *ten shillings daily* for a continuous offence: *cf.* §§ 120-140, on prevention of disease; *cf.* also Artizans' and Labourers' Dwellings Act, p. 127, *post*. 'House' includes schools, factories, etc., *vide* definition § 4, *ante*, and note *ad verb.*

<sup>4</sup> Rural or Urban.

<sup>5</sup> *N.B.* Not specified to be *dangerous*.

<sup>6</sup> *Vide* §§ 266 and 267, *post*.

<sup>7</sup> *N.B.* either *owner* or *occupier*.

part thereof to be whitewashed cleansed or purified, and may recover in a summary manner<sup>1</sup> the expenses incurred by them in so doing from the person in default.<sup>2</sup>

**Penalty in respect of certain Nuisances on Premises.**

47. Any person who in any *urban* district—

- (1) Keeps any swine or pigstye in any dwelling-house, or so as to be a nuisance to *any*<sup>3</sup> person ; or
- (2) Suffers any waste or stagnant water to remain in any cellar or place within any dwelling-house for twenty-four hours after *written notice*<sup>4</sup> to him from the urban authority to remove the same ; or
- (3) Allows the contents of any watercloset privy or cesspool to overflow or soak therefrom,

shall for every such offence be liable to a *penalty* not exceeding *forty* shillings, and to a further penalty not exceeding *five* shillings for every day during which the offence is continued, and the urban authority shall abate or cause to be abated every such nuisance, and may recover in a *summary manner*<sup>5</sup> the expenses incurred by them in so doing from the *occupier*<sup>6</sup> of the premises on which the nuisance exists.

OFFENSIVE DITCHES AND COLLECTIONS OF MATTER.

**Provision for obtaining Order for Cleansing Offensive Ditches lying near to or forming the Boundaries of Districts.**

48. Where any watercourse or open ditch lying near to

<sup>1</sup> *Vide* § 251 *post*.

<sup>2</sup> *Cf.* §§ 91-97, *post*.

<sup>3</sup> By § 28, Towns Police Clauses Act, 1847, a fine not exceeding forty shillings, or, in the discretion of the Justices, imprisonment for not longer than fourteen days, may be inflicted on every person who 'keeps any pigsty to the front of any street, not being shut out from such street by a sufficient wall or fence, or who keeps any swine in or near any street, so as to be a *common* nuisance.'—*N.B.* A general bye-law, prohibiting the keeping of swine in a district generally, and not the keeping of them so as to be a nuisance, is bad and inoperative. A bye-law specifying the maximum distance from a house at which a pigstye might be erected, is reasonable.

<sup>4</sup> Presumably to be given by the clerk of the authority or the inspector of nuisances.

<sup>5</sup> *Vide* § 251, *post*.

<sup>6</sup> *N.B.* Only the occupier. No proof as to injuriousness required here. *Cf.* § 90, *post*; also § 91, note 8, *post*.

or forming the boundary between the district of any local authority and any adjoining district is foul and offensive, so as injuriously to affect the district of such local authority, any justice having jurisdiction in such adjoining district may, on the *application*<sup>1</sup> of such local authority, summon the local authority of such adjoining district to appear before a *court of summary jurisdiction*<sup>2</sup> to show cause why an order should not be made by such court for cleansing such watercourse or open ditch, and for executing such permanent or other structural works as may appear to such court to be necessary; and such court, after hearing the parties, or *ex parte* in case of the default of any of them to appear, may make such *order*<sup>3</sup> with reference to the execution of the works, and the persons by whom the same shall be executed, and by whom and in what proportions the costs of such works shall be paid, and also as to the amount thereof, and the time and mode of payment, as to such court may seem reasonable.

#### **Removal of Filth on Certificate of Inspector of Nuisances.**

49. Where in any *urban* district it appears to the inspector of nuisances that any accumulation of manure dung soil or filth or other offensive or noxious matter ought to be removed, he shall give notice to the *person to whom the same belongs*, or to the *occupier* of the premises whereon it exists, to remove the same; and if such notice is not complied with within *twenty-four hours* from the service thereof, the manure dung soil or filth or matter referred to shall be *vested in*<sup>4</sup> and be sold or disposed of by the urban authority, and the proceeds thereof shall be applied in payment of the expenses incurred by them in the execution of this section; and the surplus (if any)

<sup>1</sup> Made by whom? Presumably by 'any officer.'

<sup>2</sup> *Vide* definition, § 4, *ante*.

<sup>3</sup> *Vide* § 262.

<sup>4</sup> Express power to remove is not given, but must be implied. The substance may be sold by auction under § 101, *post*. If the offensive accumulation is not of a saleable character, or if the necessary delay to effect sale would be dangerous, the Local Authority would undoubtedly be justified in removing and destroying it *instantly*.

shall be paid on demand to the owner of the matter removed.

The expenses of removal by the urban authority of any such accumulation, if and so far as they are not covered by the sale thereof, may be recovered by the urban authority *in a summary manner*<sup>1</sup> from the person to whom the accumulation belongs, or from the occupier of the premises, or (where there is no occupier) from the *owner*.<sup>2</sup>

### **Periodical Removal of Manure from Mews and other Premises.**

50. Notice may be given by any *urban* authority (by *public announcement*<sup>3</sup> in the district or otherwise) for the periodical removal of manure or other refuse matter from mews stables or other premises; and where any such notice has been given, any *person to whom the manure or other refuse matter belongs* fails so to remove the same, or permits a further accumulation, and does not continue such periodical removal at such intervals as the urban authority direct, shall be liable without further notice to a *penalty* not exceeding *twenty shillings*<sup>4</sup> for each day during which such manure or other refuse matter is permitted to accumulate.

## WATER SUPPLY.

### POWERS OF LOCAL AUTHORITY IN RELATION TO SUPPLY OF WATER

#### **General Powers for Supplying District with Water.**

51. Any urban authority *may*<sup>5</sup> provide their district or any part thereof, and any rural authority may provide

<sup>1</sup> *Vide* § 251, *post*.

<sup>2</sup> *Vide* definition, § 4, *ante*.

<sup>3</sup> No definition given of this. Advertisements in local newspapers and printed placards publicly posted would suffice.

<sup>4</sup> *Vide* § 251, *post*. The accumulation must be *after* notice.

<sup>5</sup> Although the words are permissive, still if water is wanted and the Local Authority (being able to procure it), neglects to do so, it will be in default, under § 299, *post*, and an order, under a *mandamus*, may be issued to compel it to perform its duty, or a person may be appointed to perform the duty for it, while the Local Authority in default will have to pay costs, expenses, and reasonable remuneration for the person appointed.



their district or any contributory place therein, or any part of any such contributory place, with a supply of water proper and sufficient for public and private purposes, and for those purposes or any of them may—

- (1) Construct and maintain *waterworks*,<sup>1</sup> dig wells, and do any other necessary acts ; and
- (2) Take on lease or hire any *waterworks*, and (with the sanction of the *Local Government Board*)<sup>2</sup> purchase any *waterworks*,<sup>1</sup> or any water or right to take or convey water, either within or without their district, and any rights powers and privileges of any *water company* ;<sup>1</sup> and
- (3) Contract with any person for a supply of water.

#### **Restriction on Construction of Waterworks by Local Authority.<sup>1</sup>**

52. Before commencing to construct *waterworks*<sup>1</sup> within the limits of supply of any water company empowered by *Act of Parliament*<sup>3</sup> or any *order* confirmed by Parliament to supply water, the local authority shall give *written notice*<sup>4</sup> to every water company within whose limits of supply the local authority are desirous of supplying water, stating the purposes for which and (as far as may be practicable) the extent to which water is required by the local authority.

It shall not be lawful for the local authority to construct any *waterworks* within such limits if and so long as any such company are able and willing to supply water proper and sufficient for all *reasonable* purposes for which it is required by the local authority ; and any difference as to whether the water which any such company are able and willing to lay on is proper and sufficient for the purposes for which it is required, or whether the purposes for which it is required are *reasonable*,<sup>5</sup> or (if and so far as the

<sup>1</sup> *Vide* definition, § 4, *ante*.

<sup>2</sup> First mention of, in this Act ; § 63, *post*, provides for the sale to Local Authority. The rights of other persons in the water may not be injuriously affected by Local Authority without their consent ; *vide* § 332.

<sup>3</sup> Presumably this refers to a special Act, and the *order* to a Provisional Order of the Board of Trade, both referring to the particular Company.

<sup>4</sup> *Vide* § 266, *post*. If notice be not given, Local Authority will be open to injunction from High Court of Justice.

<sup>5</sup> *To be determined* by the arbitrator.

charges of the company are not regulated by Parliament) as to the terms of supply, shall be settled by *arbitration*<sup>1</sup> in manner provided by this Act.

### As to Construction of Reservoirs.

53. At least two *months*<sup>2</sup> before commencing to construct under the provisions of this Act any reservoir (other than a service reservoir or tank which will hold not more than one hundred thousand gallons) the local authority shall give notice<sup>3</sup> of the intended work by advertisement in one or more of the local newspapers circulated within the district where the reservoir is to be constructed.

If any person who would be affected by the intended work objects to such work, and serves notice in writing of such objection on the local authority at any time within the said two months, the intended work shall not be commenced without the sanction<sup>4</sup> of the Local Government Board, after such inquiry as hereinafter mentioned, unless such objection is withdrawn.

The Local Government Board may, on application of the local authority, appoint an inspector to make inquiries on the spot into the propriety of the intended work and into the objections thereto, and to report to the Local Government Board on the matters with respect to which such inquiry was directed; and on receiving the report of such inspector, the Local Government Board may make an order disallowing or allowing with such modifications (if any) as they may deem necessary the intended work.

### Power of carrying Mains.

54. Where a local authority supply water within their district, they shall have the same powers and be subject to the same restrictions for carrying water mains *within or without their district*<sup>6</sup> as they have and are subject to

<sup>1</sup> Vide § 179, *post*.

<sup>2</sup> *I.e.*, Calendar; *cf.*, note <sup>1</sup>, p. 34, *ante*.

<sup>3</sup> Vide §§ 266 and 267. Without notice the expenditure would be unlawful.

<sup>4</sup> Even if no objection made, the authority of the Local Government Board must be obtained if a loan is required.

<sup>5</sup> As to local inquiries, *vide* §§ 293 and 296, *post*.

<sup>6</sup> *Cf.* §§ 16 and 32, as to construction of sewers within or without district.

for carrying sewers within or without their district respectively by the law for the time being in force.

### **As to Supply of Water.**

55. A local authority *shall*<sup>1</sup> provide and keep in any waterworks constructed or purchased by them *a supply of pure and wholesome water*; and where a local authority lay any pipes for the supply of any of the inhabitants of their district, the water *may*<sup>2</sup> be constantly laid on at such pressure as will carry the same to the top storey of the highest dwelling-house within the district or part of the district supplied.

### **Power to charge Water Rates and Rents.**

56. Where a local authority supply water to any premises they *may*<sup>2</sup> charge in respect of such supply a water rate to be assessed on *the net annual*<sup>3</sup> *value* of the premises ascertained in the manner by this Act prescribed with respect to *general district rates*<sup>4</sup>; moreover they may enter into agreements for supplying water on such terms as may be agreed on between them and the persons receiving the supply, and shall have the same

<sup>1</sup> *N.B.* this obligation: As to default therein, *vide* § 299, *post*; *vide* also 10 and 11 Vic. c. 17, § 35 (*i.e.*, Waterworks Clauses Act, 1847). But *cf.* § 64, *post*, where there is apparently an option left as to purity. A Corporation supplying water would be responsible for damage done by unwholesome water. The case of *Milne v. The Corporation of Huddersfield* raised this important question (10 Q. B. D. 124). The Corporation of Huddersfield was bound, under its special Act, to supply pure and wholesome water. Plaintiff's house was supplied with water by them through leaden service-pipes. After using it for six years without apparent bad effects, plaintiff showed symptoms of lead-poisoning. It was proved lead was the best material for service-pipes, and experts were unable to account for the deleterious effects of the water, though it was admitted to be the cause of plaintiff's malady. At the Assizes plaintiff was awarded heavy damages. On appeal the Court held that the Corporation had not been guilty of negligence, and could not be held liable upon an implied warranty as to the purity or wholesomeness of the water. It transpired during the trial that the leaden service-pipes were not put down by the Corporation. The above decision has been upheld, on appeal, by the House of Lords.

<sup>2</sup> *N.B.* Optional.

<sup>3</sup> *Vide* definition, § 4, *ante*.

<sup>4</sup> *Vide* §§ 210 and 211, *post*, as to such.

powers for recovering water rents or other payments accruing under such agreements as they have for *recovering water rates*.<sup>1</sup>

### **Incorporation of certain Provisions of Waterworks Clauses Acts.**

57. For the purpose of enabling any local authority to supply water there shall be incorporated with this Act *the Waterworks Clauses Act, 1863*<sup>2</sup>, and the following provisions of *the Waterworks Clauses Act, 1847*<sup>3</sup>; (namely),  
'With respect' (where the local authority have not the control of the streets) 'to the breaking up of streets for the purpose of laying pipes'; and  
'With respect to the communication pipes to be laid by the undertakers'; and  
'With respect to the communication pipes to be laid by the inhabitants'; and  
'With respect to waste or misuse of the water supplied by the undertakers'; and  
'With respect to the provision for guarding against fouling the water of the undertakers'; and  
'With respect to the payment and recovery of the water rates.'

Provided—

That the provisions with respect to the communication pipes to be laid by the undertakers and the inhabitants respectively shall apply only in districts or parts of districts where the local authority lay any pipes for the supply of any of the inhabitants thereof; and

That any dispute authorised or directed by any of the said incorporated provisions to be settled by an inspector or two justices shall be settled by *a court of summary jurisdiction*<sup>4</sup>; and

That section forty-four of the Waterworks Clauses Act, 1847, shall for the purposes of this Act have effect as if the words 'with the consent in writing of the owner

<sup>1</sup> *Vide* next section.

<sup>2</sup> *I.e.*, 26 and 27 Vic. c. 93.

<sup>3</sup> *I.e.*, 10 and 11 Vic. c. 17, §§ 28-34, §§ 44-53, §§ 54-60, §§ 61-67, and §§ 68-74.

<sup>4</sup> *Vide* definition, § 4, *ante*.

or reputed owner of any such house, or of the agent of such owner,' were omitted therefrom; and any rent for pipes and works paid by an occupier under that section *may* be deducted by him from any rent from time to time due from him to such *owner*.

#### **Power to supply Water by Measure.**

58. A local authority may agree with any person to supply water by measure, and as to the payment to be made in the form of rent or otherwise for every meter provided by them; they shall at all times at their own expense keep all meters and other instruments for measuring water let by them for hire to any person in proper order for correctly registering the supply of water, and in default of their so doing such person shall not be liable to pay rent for the same during such time as such default continues. The local authority shall for the purposes aforesaid have access to and be at liberty at all reasonable times to remove test inspect and replace any such meter or other instrument.

#### **Register of Meter to be Evidence.**

59. Where water is supplied by measure by any local authority, the register of the meter or other instrument for measuring water shall be *primâ facie* evidence of the quantity of water consumed; and if the local authority and the consumer differ with respect to the quantity consumed, the difference shall be determined, on the application of either party, by a *court of summary jurisdiction*,<sup>1</sup> and such court may order by which of the parties the costs of the proceedings before them shall be paid, and its decision shall be final and binding.

#### **Penalty for injuring Meters.**

60. If any person wilfully or by culpable negligence injures or suffers to be injured any meter or fittings belonging to a local authority, or fraudulently alters the index to any meter, or prevents any meter from duly registering the quantity of water supplied, or fraudulently abstracts or uses water of the local authority, he shall (without prejudice to any other right or remedy of the local authority)

<sup>1</sup> *Vide* definition, § 4, *ante*.

be liable to a penalty not exceeding *forty shillings*,<sup>1</sup> and the local authority may in addition thereto recover the amount of any damage sustained. The existence of artificial means, under the control of the consumer, for causing any such alteration prevention abstraction or use shall be evidence that the consumer has fraudulently effected the same.

**Power to supply Water to authority of adjoining District.**

61. Any local authority for the time being supplying water within their own district may, with the sanction of the Local Government Board, supply water to the local authority of any adjoining district on such terms as may be agreed on between such authorities, or as, in case of *dispute*,<sup>2</sup> may be settled by arbitration in manner provided by this Act.

**Local Authority may require Houses to be supplied with Water in certain cases.**

62. Where on the report of the *surveyor*<sup>3</sup> of a local authority it appears to such authority that any house within their district is without a *proper supply of water*,<sup>4</sup> and that such a supply of water can be furnished thereto at a cost not exceeding the water rate authorised by any local act in force within the district, or where there is not any Local Act so in force at a cost not exceeding *two-pence a week, or at such other cost* as the Local Government Board may, on the application of the local authority, determine under all the circumstances of the case to be reasonable, the local authority shall give notice in writing to the *owner*, requiring him, within a time therein specified, to obtain such supply, and to do all such works as may be necessary for that purpose.

If such notice is not complied with within the time specified, the local authority may, if they think fit, do such

<sup>1</sup> As to recovery, *vide* § 251, *post*.

<sup>2</sup> How there can be a *dispute* in the voluntary transaction is not clear; as to *arbitration*, *vide* § 179.

<sup>3</sup> *N.B.* not the Medical Officer of Health. *Vide* definition of Surveyor of Rural Authority, § 4, *ante*, *Cf.* 127, and note *ad loc.*

<sup>4</sup> *Primâ facie*, this would refer to *quantity*; still, no doubt it would be held to include *quality*.

works and obtain such supply, and for that purpose may enter into any contract with any water company supplying water within their district ; and water rates may be made and levied on the premises by the authority or company which furnishes the supply and may be recovered as if the *owner*<sup>1</sup> or *occupier* of the premises had demanded a supply of water and were willing to pay water rates for the same, and any expenses incurred by the local authority in doing any such works may be recovered *in a summary manner*<sup>2</sup> from the *owner* of the premises, or may by order of the local authority be declared to be *private improvement expenses*.<sup>3</sup>

#### **Powers of Water Company for supplying Water to<sup>4</sup> Local Authority.**

63. Any water company may contract to supply water or may lease their waterworks to any local authority ; and the directors of any water company, in pursuance, in the case of a company registered under the *Companies Act*, 1862,<sup>5</sup> of a special resolution of the members passed in manner provided by that Act, and in the case of any other company of a resolution passed by *three-fourths* in number and value of the members present, either personally or by proxy, at a meeting *specially* convened with notice of the business to be transacted, may sell and transfer to any local authority, on such terms as may be agreed on between the company and the local authority, all the rights powers and privileges, and all or any of the waterworks premises and other property of the company, but subject to all liabilities to which the same are subject at the time of such purchase.

#### **Vesting of public Cistern, etc., in Local Authority.**

64. All existing public cisterns pumps wells reservoirs conduits aqueducts and works used *for the gratuitous supply* of water to the inhabitants of the district of any

<sup>1</sup> *Vide* definition, § 4, *ante*.

<sup>2</sup> *Vide* § 251, *post*. Although the *occupier* may have to pay for the *supply*, the *owner* must pay the cost of the *works*.

<sup>3</sup> *Vide* § 312, *post*.

<sup>4</sup> § 51, *ante*, empowers Local Authority to purchase.

<sup>5</sup> *I.c.*, 25 and 26 Vic. c. 89. *Vide* §§ 162 and 163, *post*.

local authority shall vest in and be under the control of such authority, and such authority *may* cause the same to be maintained and plentifully supplied with *pure and wholesome water*,<sup>1</sup> or *may* substitute maintain and plentifully supply with *pure and wholesome water* other such works equally convenient ; they may also (subject to the provisions of this Act) construct any other such works for supplying water *for the gratuitous use of any inhabitants who choose to carry the same away, not for sale, but for their own private use.*

### **Water for Public Baths, or Trading or Manufacturing Purposes.<sup>2</sup>**

65. Any local authority may, if they think fit, supply water from any waterworks purchased or constructed by them to any public baths or wash-houses, or for trading or manufacturing purposes, on such terms and conditions as may be agreed on between the local authority and the persons desirous of being so supplied ; moreover, any local authority may, if they think fit, construct any works for the gratuitous supply of any public baths or wash-houses established otherwise than for private profit *or*<sup>3</sup> supported out of any poor or borough rates.

### **Duty of Urban Authority to provide Fire-plugs.**

66. Every urban authority *shall*<sup>4</sup> cause fire-plugs and all necessary works machinery and assistance for securing an efficient supply of water in case of fire to be provided and maintained, and for this purpose they may enter into

<sup>1</sup> Presumably this section confers on Local Authority the alternative courses of maintaining and supplying with pure water existing public systems of water-supply (*e.g.*, tanks, wells, pumps, etc.), or discontinuing the same, or of substituting and supplying other works equally convenient.

<sup>2</sup> Water for a private horse and for washing a private carriage has been ruled to be water for 'domestic use,' as contracted to be supplied under a private Act. But under 26 and 27 Vic. c. 93 (Waterworks Clauses Acts, 1863), water supplied for horses, cattle, washing carriages, etc., which are for sale, is not water for 'domestic use.'

<sup>3</sup> The meaning of this alternative is not apparent, as public baths and wash-houses are vested in the Local Authority, and are supported out of public rates.

<sup>4</sup> *A.B.* Imperative ; as to default, *vide* § 299, *post*.



any agreement with any water company or person ; and they *shall*<sup>1</sup> paint or mark on the buildings and walls within the streets words or marks near to such fire-plugs to denote the situation thereof, and do such other things for the purposes aforesaid as they may deem expedient.

### **Agreements with Universities.**

67. In the Oxford or Cambridge district the local authority may supply water to any hall college or premises of the university within such district, on such terms with respect to the mode of paying for such supply as may from time to time be agreed on between such university, or any hall or college thereof, and the local authority.

#### PROVISIONS FOR PROTECTION OF WATER.

### **Penalty for causing Water to be corrupted by Gas Washings.**

68. Any *person*<sup>2</sup> engaged in the manufacture of gas who—

- (1) Causes or *suffers*<sup>3</sup> to be brought or to flow into any stream reservoir aqueduct pond or place for water, or into any drain or pipe communicating therewith, any washing or other substance produced in making or supplying gas ;  
or,
- (2) *Wilfully* does any act connected with the making or supplying of gas whereby the water in any such stream reservoir aqueduct pond or place for water is fouled,

shall forfeit for every such offence the sum of *two hundred pounds*, and after the expiration of twenty-four hours' notice from the local authority or the person to whom the

<sup>1</sup> Overrules objection of owner or occupier.

<sup>2</sup> *Vide* definition, § 4, *ante*; includes any corporate or incorporate body of persons.

<sup>3</sup> Includes involuntary pollution and omissions to prevent, and unknowingly polluting. A gas company was held liable for pollution caused by leakage from crack in tank floor, caused by subsidence of ground, and not by any imperfection of construction. A 'well' is a 'place for water.' Variation in excess of fouling a well will nullify claim to prescriptive right to foul.

water belongs in that behalf, a *further sum of twenty pounds for every day*<sup>1</sup> during which the offence is continued or during the continuance of the act whereby the water is fouled.

Every such penalty may be recovered, with full costs of suit, in any of the superior courts, in the case of water belonging to or under the control of the local authority by the local authority, and in any other case by the person into whose water such washing or other substance is conveyed or flows or whose water is fouled by any such act as aforesaid, or in default of proceedings by such person, after notice to him from the local authority of their intention to proceed for such penalty, by the local authority ; but such penalty shall not be recoverable unless it be sued for during the continuance of the offence, or within six months after it has ceased.

### **Local Authority may take Proceedings to prevent Pollution of Streams.**

69. Any local authority, with the sanction of the Attorney General, may, either in their own name or in the name of any other person, with the consent of such person, take such proceedings by indictment bill in Chancery action or otherwise, as they may deem advisable for the purpose of protecting any *watercourse*<sup>2</sup> within their jurisdiction from *pollutions arising from sewage*<sup>3</sup> either within or without their district ; and the costs of and incidental to any such proceedings, including any costs that may be awarded to the defendant, shall be deemed to be expenses properly incurred by such authority in the execution of this Act.

### **Power to close Polluted Well, etc.**

70. On the representation of any person to any local authority that within their district the water in any well

<sup>1</sup> *Quere*: continued after the conviction or notice, probably the latter—even though no notice be given, the penalty is £200 ; after notice it is this amount *plus* amount recoverable for continuance.

<sup>2</sup> *N.B.* Special case, not rivers in general.

<sup>3</sup> *N.B.* not pollution from rubbish or waste from manufactories ; this is provided for by the Rivers Pollution Prevention Act, 1876 (39 and 40 Vic. c. 75) ; *vide* p. 125, *post*.

tank or cistern, public or private, or supplied from any public pump, and used or likely to be used by man for drinking or domestic purposes, or for manufacturing drinks for the use<sup>1</sup> of man, is so polluted as to be injurious to health, such authority may apply to a court of summary jurisdiction<sup>2</sup> for an order to remedy the same ; and thereupon such court shall summon the owner or occupier of the premises to which the well tank or cistern belongs if it be private, and in the case of a public well tank cistern or pump, any person alleged in the application to be interested in the same, and may either dismiss the application, or may make an order directing the well tank cistern or pump to be permanently or temporarily closed, or the water to be used for certain purposes only, or such other order as may appear to them to be requisite to prevent injury to the health of persons drinking the water.

The court may, if they see fit, cause the water complained of to be analysed<sup>3</sup> at the cost of the local authority applying to them under this section.

If the person on whom an order under this section is made fails to comply with the same, the court may on the application of the local authority authorise them to do whatever may be necessary in the execution of the order, and any expenses incurred by them may be recovered in a summary manner<sup>4</sup> from the person on whom the order is made.

Expenses incurred by any rural authority in the execution of this section, and not recovered by them as aforesaid, shall be *special expenses*.<sup>5</sup>

<sup>1</sup> The Sale of Food and Drugs Act, 1875, § 2, excludes water from the definition of 'Food.' *Vide* p. 121, *post*.

<sup>2</sup> *Vide* definition, § 4, *ante*.

<sup>3</sup> The analysis of water being excluded from that of 'Food and Drugs,' under the Sale of Food and Drugs Act, will have to be made independently.

<sup>4</sup> *Vide* § 251, *post*.

<sup>5</sup> *Vide* § 229, *post*.

## REGULATION OF CELLAR DWELLINGS AND LODGING-HOUSES.

### OCCUPATION OF CELLAR DWELLINGS.

#### Prohibition of occupying Cellar Dwellings.<sup>1</sup>

71. It shall not be *lawful*<sup>2</sup> to let or occupy or suffer to be *occupied*<sup>3</sup> separately as a dwelling *any cellar* (including for the purposes of this Act in that expression any vault or underground room) built or rebuilt after the passing of this Act, or which is not lawfully so let or occupied at the time of the passing of this Act.

#### Existing Cellar Dwellings only to be let or occupied on certain Conditions.

72. It shall not be *lawful*<sup>4</sup> to let or *occupy*<sup>5</sup> or suffer to be occupied separately as a dwelling, any cellar whatsoever, unless the following requisitions are complied with ; (that is to say,)

Unless the cellar is in every part thereof at least *seven feet* in height, measured from the floor to the ceiling thereof, and is at last *three feet* of its height above the surface of the street or ground adjoining or nearest to the same ; and

Unless there is outside of and adjoining the cellar and extending along the entire frontage thereof, and upwards from *six inches* below the level of the floor thereof up to the surface of the said street or ground, an open area of at least *two feet and six inches* wide in every part ; and

Unless the cellar is effectually drained by means of a drain, the uppermost part of which is *one foot* at least below the level of the floor thereof ; and

Unless there is appurtenant to the cellar the use of a watercloset earthcloset or privy and an ashpit, fur-

<sup>1</sup> Refers to both rural and urban districts.

<sup>2</sup> *Vide* as to penalty, § 73, *post.*

<sup>3</sup> *Vide* as to occupation, § 74, *post.*

<sup>4</sup> *Vide* as to penalty, § 73, *post.*

<sup>5</sup> *Vide* as to occupation, § 74, *post.*

nished with proper doors and coverings, according to the provisions of this Act<sup>1</sup>; and

Unless the cellar has a fireplace with a proper chimney or flue, and an external window of at least *nine superficial feet* in area clear of the sash frame, and made to open in a manner approved by *the surveyor*<sup>2</sup> (except in the case of an inner or back cellar let or occupied along with a front cellar as part of the same letting or occupation, in which case the external window may be of any dimensions not being less than *four superficial feet* in area clear of the sash frame).

Provided that in any area adjoining a cellar there may be steps necessary for access to such cellar, if the same be so placed as not to be over across or opposite to the said external window, and so as to allow between every part of such steps and the external wall of such cellar a clear space of *six inches* at the least, and that over or across any such area there may be steps necessary for access to any building above the cellar to which such area adjoins, if the same be so placed as not to be over across or opposite to any such external window.

#### **Penalty on Persons offending against Enactment.**

73. Any person who lets *occupies*<sup>3</sup> or knowingly suffers to be occupied for hire or rent, any cellar contrary to the provisions of this Act shall be liable for every such offence to a penalty not exceeding *twenty-shillings* for every day during which the same continues to be so let or occupied after *notice*<sup>4</sup> in writing from the local authority in this behalf.

#### **Definition of occupying as a Dwelling.**

74. Any cellar in which any person passes the night shall be deemed to be *occupied* as a dwelling within the meaning of this Act.

<sup>1</sup> *Vide* §§ 35, 36, and 37, *ante*.

<sup>2</sup> Apparently, in urban districts, the Surveyor of the Local Authority. In rural districts, *vide* definition in § 4, *ante*.

<sup>3</sup> As to what shall be deemed 'occupation,' *Vide* § 74, *post*.

<sup>4</sup> As to service, etc., *vide* §§ 266 and 267, *post*.

**Power to close Cellars in case of two Convictions.**

75. Where two convictions against the provisions of any Act<sup>1</sup> relating to the occupation of a cellar as a separate dwelling place have taken place within *three months* (whether the persons so convicted were or were not the same) a court of summary jurisdiction<sup>2</sup> may direct the *closing of the premises*<sup>3</sup> so occupied for such time as it may deem necessary, or may empower the local authority permanently to close the same, and to defray any expenses incurred by them in the execution of this section.

**COMMON LODGING-HOUSES.<sup>4</sup>****Registers of common Lodging-houses to be kept.**

76. Every local authority *shall* keep a register in which

<sup>1</sup> Probably refers to Local Acts bearing on this point, as well as to Imperial Acts 11 and 12 Vic. c. 63, § 67 (Public Health Act, 1848); and 29 and 30 Vic. c. 90, § 36 (The Sanitary Act, 1866); and the Public Health Act, 1875, itself.

<sup>2</sup> *Vide* definition, § 4 *ante*.

<sup>3</sup> *Cf.* §§ 97 and 109, *post*, for closing of premises under certain circumstances.

<sup>4</sup> *Cf.* 10 and 11 Vic. c. 34, § 116 (Towns Improvement Clauses Act) which defines a 'Public Lodging House' thus: 'Every house shall be deemed a *public lodging house* within the meaning of this Act in which persons are harboured or lodged for hire for a single night, or for less than a week at one time, or any part of which is let for less than a week.'

The Local Government Board in Memorandum preceding Model Bye-Laws on *Common Lodging Houses*, seems to approve of the definition of the term *Common Lodging House* given by Sir A. E. Cockburn (afterwards C. J.) and Lord Hatherley, when law officers of the Crown, in 1853, when consulted as to its meaning in 14 and 15 Vic. c. 28. Their advice was as follows:

'It may be difficult to give a precise definition to the term *common lodging house*; but looking to the preamble and general provisions of the Act (*i.e.*, the 14 and 15 Vic. c. 28), it appears to us to have reference to that class of lodging-houses in which persons of the poorer class are received for short periods, and, *though strangers to one another*, are allowed to inhabit one common room. We are of opinion that it does *not include* hotels, inns, public houses, or lodgings let to the upper and middle classes.'

With regard to the persons being *strangers to one another*, the law officers afterwards explained that 'Our obvious intention was to distinguish lodgers promiscuously brought together from members

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<sup>5</sup> Imperative.

shall be entered the names and residences of the keepers of all common lodging-houses within the district of such authority, and the situation of every such house and the number of lodgers authorized under this Act by such authority to be received therein.

A copy of any entry in such register, certified by the clerk of the local authority to be a true copy, shall be received in all courts and on all occasions as evidence, and shall be sufficient proof of the matter registered, without production of the register or of any document or thing of which the entry is founded; and a certified copy of any such entry shall be supplied gratis by the clerk to any person applying at a reasonable time for the same.

### **All common Lodging-houses to be registered, and to be kept only by registered Keepers.**

77. A person shall not keep a common lodging-house or receive a lodger therein unless the house is registered in accordance with the provisions of this Act; nor unless his name as the keeper thereof is entered in the register kept under this Act: Provided that when the person so registered dies, his widow or any member of his family<sup>2</sup> may keep the house as a common lodging-house for not more than four weeks after his death without being registered as the keeper thereof.

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of one family or household.' The *period* of letting they considered unimportant for definition of a common lodging-house under 11 and 12 Vic. c. 63, § 66. (*Cf.* interpretation, § 89, *post.* With regard to being members of one family, *vide* § 87, *post.*

<sup>1</sup> No definition is given in the Act of 'keeper.' The law officers referred to in note 1, p. 59, advised that 'when a person neither resides in the house, nor exercises any control over its management, but simply receives the rent, he cannot be considered *the keeper*; but where the owner, though not resident in the house, either in person or through an agent, exercises control over its management, they had no doubt that he should be considered *the keeper*.' In general, the person who derives immediate profit from the letting of the lodgings may be regarded as 'the keeper.'

<sup>2</sup> Very vague term, no definition given; is not limited to the children. *Vide* § 90, *post.*

**Local Authority may refuse to register Houses.**

78. A house shall not be registered as a common lodging-house until it has been inspected and approved for the purpose by some officer of the local authority; and the local authority may refuse to register as the keeper of a common lodging-house a person who does not produce to the local authority a certificate of character, in such form as the local authority direct, signed by three inhabitant house-holders of the parish respectively rated to the relief of the poor of the parish within which the lodging-house is situate for property of the yearly *rateable value of six pounds<sup>1</sup> or upwards.*

**Notice of Registration to be affixed to Houses.**

79. The keeper of every common lodging-house shall, if required in writing by the local authority so to do, affix and keep undefaced and legible a notice with the words 'Registered Common Lodging-house' in some conspicuous place on the outside of such house.

The keeper of any such house who, after requisition in writing from the local authority, refuses or neglects to affix or renew such notice, shall be liable to a *penalty not exceeding five pounds,<sup>2</sup> and to a further penalty of ten shillings* for every day that such refusal or neglect continues after conviction.

**Byelaws to be made by Local Authority.**

80. Every *local* authority shall from time to time *make byelaws<sup>3</sup>* :

- (1) For *fixing* and from time to time *varying* the number of lodgers who may be received into a common lodging-house, and for the separation of the sexes therein; and
- (2) For promoting cleanliness and ventilation in such houses; and
- (3) For the giving of notices and the *taking precau-*

<sup>1</sup> Probably *net annual value*, as defined § 4, *ante*.

<sup>2</sup> As to recovery, *vide* § 251, *post*.

<sup>3</sup> As to *making* bye-laws, *vide* § 182; as to *confirmation* of them, *vide* § 184; as to *enforcement* of, *vide* § 251, *post*.



tions<sup>1</sup> in the case of any infectious diseases ;  
and,

(4) Generally for the well ordering of such houses.

### **Power to Local Authority to require Supply of Water to Houses.**

81. Where it appears to any local authority that a common lodging-house is without a proper supply of water for the use of the lodgers, and that such a supply can be furnished thereto *at a reasonable rate*,<sup>2</sup> the local authority may by *notice*<sup>3</sup> in writing require the *owner*<sup>4</sup> or keeper of such house, within a time specified therein, to obtain such supply, and to do all works necessary for that purpose ; and if the notice be not complied with accordingly, the local authority may remove such house from the register until it is complied with.

### **Limewashing of Houses.**

82. The keeper of a common lodging-house shall, to the satisfaction of the local authority, limewash the walls and ceilings thereof in the first week of each of the months of *April and October*<sup>5</sup> in every year, and shall if he fails to do so be liable to a penalty not exceeding *forty shillings*.

### **Power to order Reports from Keepers of Houses receiving Vagrants.**

83. The keeper of a common lodging-house in which beggars or vagrants are received to lodge shall from time to time, if required in writing by the local authority so to do, *report*<sup>6</sup> to the local authority, or to such person as the local authority direct, every person who resorted to such

<sup>1</sup> *Vide* § 84, *post*.

<sup>2</sup> Left to discretion of Local Authority ; but, under § 62, Local Authority can only require water to be supplied if cost not exceeding the water-rate of the district ; or, if there be no *local* Act for water-supply, at a cost of not more than twopence per week ; although on application the Local Government Board may fix the amount of charge which they think '*under all the circumstances of the case to be reasonable*.'

<sup>3</sup> As to service, etc., *vide* §§ 266 and 267, *post*.

<sup>4</sup> *Vide* definition § 4, *ante* ; best to give notice to both.

<sup>5</sup> Apart from penalty under any bye-law. As to recovery *vide* § 251, *post*.

<sup>6</sup> *Vide* penalties in § 86, *post*.

house during the preceding day or night, and for that purpose schedules shall be furnished by the local authority to the person so ordered to report, which schedules he shall fill up with the information required and *transmit*<sup>1</sup> to the local authority.

#### Keepers to give Notice of Fever, etc., therein.<sup>2</sup>

84. The keeper of a common lodging-house shall, when a person in such house is ill of *fever* or any *infectious disease*,<sup>3</sup> give immediate notice thereof to the medical officer of health of the local authority, and also to the poor law relieving officer of the union or parish in which the common lodging-house is situated.

#### As to Inspection.

85. The keeper of a common lodging-house, and every other person having or acting in the care or management thereof, shall at all times when required by *any officer*<sup>4</sup> of the local authority, give him free access to such house or any part thereof; and any such keeper or person who refuses such access shall be liable to a penalty not exceeding five pounds.

#### Offences by Keepers of Houses.

86. Any keeper of a common lodging-house who—

- (1) Receives any lodger in such house without the same being *registered*<sup>5</sup> under this Act; or
- (2) Fails to make *a report*,<sup>5</sup> after he has been furnished by the local authority with schedules for the purpose in pursuance of this Act, of the persons resorting to such house; or
- (3) Fails to *give the notices*<sup>5</sup> required by this Act

<sup>1</sup> How, and at whose expense? Presumably at keeper's expense, personally or by post, and within reasonable time.

<sup>2</sup> Vide § 120-30, as to prevention of infectious diseases under § 124, a person suffering from dangerous infectious disease may be removed from lodging-house to hospital.

<sup>3</sup> Vide § 121, *post*. *N.B.*—In § 86, *post*, by which penalties are regulated, it refers to persons 'confined to bed' by fever, though not so limited here.

<sup>4</sup> *N.B.* Undefined and general.

<sup>5</sup> As to *registration*, vide §§ 76-78; as to *reports*, vide § 83; as to notice of *fever*, vide § 84.

where any person has been *confined to his bed*<sup>1</sup> in such house by fever or other infectious disease, shall be liable to a *penalty*<sup>2</sup> not exceeding *five pounds*, and in the case of a *continuing offence*<sup>3</sup> to a further penalty not exceeding *forty shillings* for every day during which the offence continues.

### Evidence as to Family in Proceedings.

87. In any proceedings under the provisions of this Act relating to common lodging-houses, if the inmates of an house or part of a house allege that they are members of the same family, the burden of proving such allegation shall lie on the persons making it.

### Conviction for Third Offence to disqualify Persons from keeping Common Lodging-house.

88. Where the keeper of a common lodging-house is convicted of a third offence against any of the provisions of this Act relating to common lodging-houses, the court before whom the conviction for such third offence takes place may, if it thinks fit, adjudge that he shall not at any time within *five years* after the conviction, or within such shorter period after the conviction as the court thinks fit, keep a common lodging-house without the previous license in writing of the local authority, which license the local authority may withhold or grant on such terms and conditions as they think fit.

### Interpretation of 'Common Lodging-house.'

89. For the purposes of this Act the expression 'common lodging-house' includes, in any case in which only

<sup>1</sup> The reason for the extraordinary limitation of notices to persons 'confined to bed' is not apparent. It is not uncommon to see persons of the poorer class remain out of bed almost until dead with fever; and it is common to see persons in highly infectious conditions from small-pox, scarlet fever, and 'other infectious diseases,' out of bed. In § 84, *ante*, there is no limitation; notice is to be given when any person is 'ill of fever,' etc.

<sup>2</sup> As to recovery, *vide* § 251, *post*.

<sup>3</sup> After conviction.

Part of a house is used as a common lodging-house, the *Part so used*<sup>1</sup> of such house.

BYELAWS AS TO HOUSES LET IN LODGINGS.

**Local Government Board may empower Local Authority to make Byelaws as to Lodging-houses.**

90. The Local Government Board may, if they think fit, by notice published in the *London Gazette*, declare the following enactment to be in force within the district or any part of the district of any local authority, and from and after the publication of such notice such authority shall be empowered to make *byelaws*<sup>2</sup> for the following matters ; that is to say :

- (1) For *fixing* and from time to time *varying* the number of persons who may occupy a house or a part of a house which is let in lodgings or occupied by members of more than one *family*, and for the separation of the sexes in a house so let or occupied :
- (2) For the *registration*<sup>3</sup> of houses so let or occupied :
- (3) For the *inspection* of such houses :
- (4) For enforcing *drainage* and the provision of *privy accommodation* for such houses, and for promoting *cleanliness* and *ventilation* in such houses :
- (5) For the *cleansing* and *lime-washing* at stated times of the premises, and for the *paving* of the courts and courtyards thereof :
- (6) For the giving of *notices* and the taking of *precautions* in case of *any infectious disease*.

This section shall not apply to common lodging-houses within the provisions of this Act relating to common lodging-houses.

<sup>1</sup> Who would be the *keeper* in this case ? the landlord or tenant of the whole house, or the tenant of the part used as a common lodging-house ? Presumably the keeper in this case is the person who immediately derives profit from the letting of the lodgings.

<sup>2</sup> As to making, confirmation, enforcement of bye-laws, *vide* §§ 182-186, *post* ; as to penalties, *vide* § 251, *post*.

<sup>3</sup> Cf. § 77 *ante*.

## NUISANCES.

### Definition of Nuisances.<sup>1</sup>

91. For the purposes of this Act :
- (1) Any *premises*<sup>2</sup> in such a state as to be a nuisance ~~or~~<sup>3</sup> injurious to health :
  - (2) Any pool ditch gutter watercourse privy urinal cesspool drain or ashpit so foul or in such a state as to be a nuisance or injurious to health<sup>4</sup> :
  - (3) Any animal so kept as to be a nuisance or injurious to health<sup>5</sup> :
  - (4) Any accumulation or deposit which is a nuisance or injurious to health<sup>6</sup> :
  - (5) Any house or part of a house so *overcrowded* as to be dangerous or injurious to the health of the inmates, whether or not members of the same family :
  - (6) Any factory, workshop, or workplace (*not already under the operation of any general Act for the regulation of factories or bakehouses*), not kept

<sup>1</sup> Means every nuisance here referred to except smoke. Mr. Justice Stephen, in the case of Bishop Auckland Local Board v. Bishop Auckland Iron and Steel Co. (10 Q.B. D. 138) gave a most important decision as to nuisances of wide application. According to him a nuisance under this Act is 'anything which interferes with personal comfort or is injurious to health.'

<sup>2</sup> *Vide* definition, § 4, *ante*.

<sup>3</sup> *Cf.* § 47, note 4 *ante*.

<sup>4</sup> *Cf.* §§ 41 and 47, No. 3, *ante*.

<sup>5</sup> *Cf.* §§ 44 and 47, *ante*.

<sup>6</sup> *Cf.* §§ 41, 42, 43, and 49, *ante*. It has been ruled that it is not necessary that the accumulation should be proved injurious to health as well as a nuisance. *Cf.* § 40, *ante*.

<sup>7</sup> 41 Vic. c. 16 (Factory and Workshops Act) specially deals with bakehouses with regard to trade regulations. *N.B.*—The words in italics were repealed by that Act. The factory inspector is bound to draw the attention of the local authority to nuisances which he may observe in factories or workshops in his district, and the authority should then proceed under § 91, subsection 6, *vide* Factory Act, 1878, §§ 3 and 4. The Factory Act, 1883 (*vide* p. 125, *post*), entrusts to Local Authorities the carrying out the provision of that Act, and of §§ 3, 33, 34 and 35 of the Factory Act, 1878, which relate to the sanitary condition of Bakehouses), and the

in a cleanly state, or not ventilated in such a manner as to render harmless as far as practicable any gases vapours dust or other impurities generated in the course of the work carried on therein that are a nuisance or injurious to health, or so overcrowded while work is carried on as to be dangerous or injurious to the health of those employed therein :

- (7) Any fireplace or furnace which does not as far as practicable consume *the smoke*<sup>1</sup> arising from the combustible used therein, and which is used for working engines by steam, or in any mill factory dyehouse brewery bakehouse or gaswork, or in any manufacturing or trade process whatsoever ; and

Any chimney (not being the chimney of a private dwelling-house) sending forth black smoke in such quantity as to be a nuisance, shall be deemed to be nuisances liable to be dealt with summarily in manner provided by this Act : Provided—

First. That a penalty shall not be imposed on any person in respect of any accumulation or deposit necessary for the effectual carrying on any business or manufacture if it be proved to the satisfaction of the court that the accumulation or deposit has not been kept longer than is necessary for the purposes of the business or manufacture, and that the best available means have been taken for preventing injury thereby to the *public*<sup>2</sup> health :

Secondly. That where a person is summoned before any court in respect of a nuisance arising from a fireplace or furnace which does not consume the smoke arising from the combustible used in such fireplace or furnace, the court shall hold that no nuisance is created within the meaning of this Act, and dismiss the complaint, if it is satisfied that such fireplace or furnace is constructed in such manner as to consume

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. O. H. is endowed with the power of the Factory Inspector for its purpose.

<sup>1</sup> The emission of the smoke is the nuisance ; it is unnecessary to prove injury to health.

<sup>2</sup> *I.e.*, outside the premises.

*as far as practicable*<sup>1</sup> having regard to the nature of the manufacture or trade, all smoke arising therefrom, and that such fireplace or furnace has been carefully attended to by the person having the charge thereof.

### **Duty of Local Authority to inspect District for Detection of Nuisances.**

92. It shall be *the duty*<sup>2</sup> of every local authority to cause to be made from time to time *inspection*<sup>3</sup> of their district, with a view to ascertain what nuisances exist calling for abatement under the powers of this Act, and to enforce the provisions of this Act in order to abate the same: also to enforce the provisions of *any*<sup>4</sup> Act in force within their district requiring fireplaces and furnaces to consume their own smoke.

### **Information of Nuisances to Local Authority.**

93. Information of any nuisance under this Act in the district of any local authority may be given to such local authority by any person aggrieved thereby, or by any two inhabitant householders of such district, or by any officer of such authority, or by the relieving officer, or by any constable or officer of the police force of such district.

<sup>1</sup> It has been ruled that these words only mean 'as far as possible consistent with the carrying on of the trade for which the furnace is used;' and where it was shown that the only mode of diminishing the smoke would prevent defendant carrying on business with the furnace he employed, the Court of Exchequer held that defendant had consumed his smoke *as far as practicable*.

<sup>2</sup> If neglected, local authority may be liable to proceedings under §§ 106 and 299, *post*.

<sup>3</sup> There is no right of entry given to the police here (*cf.* § 106 *post*). If it is believed that a *nuisance* exists in a house, an order for power to enter may be obtained from the justices under § 98, *post*; or by § 102, *post*. § 102 has been interpreted by some to give absolute right of entry without order. But would a person be guilty of an offence who refused admission to search for nuisance under § 102, if no order? *Cf.* note 4, p. 72, *post*. Articles of food may be inspected if 'exposed for sale or deposited in any place for the purpose of sale, or in preparation for sale and intended for the food of man' (§ 116, *post*); this would give right of entry to certain premises. Inspectors of nuisances are to be appointed by *rural* authorities under § 190, and by *urban* authorities under § 189; *cf.* also § 305, *post*.

<sup>4</sup> *I. e.*, local Act.

**Local Authority to serve Notice requiring Abatement of Nuisance.**

94. On the receipt of any information respecting the existence of a nuisance the local authority *shall*,<sup>1</sup> if satisfied of the existence of a nuisance, serve a notice on the person, *by whose act default or sufferance the nuisance arises or continues*, or, if such person cannot be found, on the *owner*<sup>2</sup> or *occupier* of the premises on which the nuisance arises, requiring him to abate the same within a time to be specified in the notice, and to execute such works and do such things as may be necessary for that purpose : Provided—

First. That where the nuisance arises from the want or defective construction of any structural convenience, or where there is no occupier of the premises, notice under this section *shall be served on the owner* :

Secondly. That where the person causing the nuisance cannot be found and it is clear that the nuisance does not arise or continue by the act default or sufferance of the *owner or occupier* of the premises, the local authority may themselves abate the same without *further*<sup>3</sup> order.

**On Non-compliance with Notice Complaint to be made to Justice.**

95. If the person on whom a notice to abate a nuisance has been served makes default in complying with any of the requisitions thereof within the time specified, or if the nuisance, although abated since the service of the notice, is, in the opinion of the local authority, likely to recur on the same premises, the local authority *shall*<sup>4</sup> cause a *com-*

<sup>1</sup> N.B.—Imperative : *vide* §§ 92, 299, *post*. In case of default the Local Government Board may act under § 106. How is authority to satisfy itself? *Cf.* § 102.

<sup>2</sup> *Vide* definition, § 4, *ante*.

<sup>3</sup> But there has not been any previous order ! One order shall suffice. Under the second part of this section local authority may enter and abate without justices' order, but should serve the legal notices first.

<sup>4</sup> Imperative ; neglect will be a default ; *vide* § 299, *post*.



*plaint*<sup>1</sup> relating to such nuisance to be made before a justice,<sup>2</sup> and such justice shall thereupon issue a *summons*<sup>3</sup> requiring the person on whom the notice was served to appear before a court of *summary jurisdiction*.<sup>4</sup>

### **Power of Court of Summary Jurisdiction to make Order dealing with Nuisance.**

96. If the court is satisfied that the alleged nuisance exists, or that although abated it is likely to recur on the same premises, the court *shall*<sup>5</sup> make an *order*<sup>6</sup> on such person requiring him to comply with all or any of the requisitions of the notice, or otherwise to abate the nuisance within a time specified in the order, and to do any works necessary for that purpose ; or an order prohibiting the recurrence of the nuisance and directing the execution of any works necessary to prevent the recurrence ; or an order both requiring abatement and prohibiting the recurrence of the nuisance.

The court *may* by their order impose a penalty not exceeding *five pounds*<sup>7</sup> on the person on whom the order is made, and shall also give *directions*<sup>8</sup> as to the payment of all costs incurred up to the time of the hearing or making the order for abatement or prohibition of the nuisance.<sup>9</sup>

### **Order of Prohibition in case of House unfit for Human Habitation.<sup>10</sup>**

97. Where the nuisance proved to exist is such as to

<sup>1</sup> Not directed to be in writing.

<sup>2</sup> As to competency, *vide* § 258, *post*.

<sup>3</sup> *Vide* Schedule IV., Form B.

<sup>4</sup> *Vide* definition, § 4, *ante*.

<sup>5</sup> Imperative : as to appearance of local authority in court, *vide* § 259, *post*.

<sup>6</sup> *Vide* Schedule IV., Form C. An appeal to Quarter Sessions allowed, v. § 99, *post*.

<sup>7</sup> *N.B.*—This penalty is not provided for in the form in the schedule.

<sup>8</sup> Presumably an order ; no provision for it in the form in the schedule.

<sup>9</sup> Presumably the penalty is for disobedience to local authority, or for the nuisance ; the justices' order had not been made.

<sup>10</sup> Refers to old as well as modern houses ; whereas § 157 refers

render a house or building, in the judgment of the court, unfit for human habitation, the court *may*<sup>1</sup> prohibit the using thereof for that purpose until, in its judgment, the house or building is rendered fit for that purpose; and on *the court* being satisfied that it has been rendered fit for that purpose the court may determine its previous order by another, declaring the house or building habitable, and from the date thereof such house or building may be let or inhabited.

### Penalty for Contravention of Order of Court.

98. Any person not obeying an order to comply with the requisitions of the local authority or otherwise to abate the nuisance, shall, if he fails to satisfy the court that he has used all due diligence to carry out such order, be liable to a penalty not exceeding *ten shillings per day during his default*;<sup>2</sup> and any person knowingly and wilfully acting contrary to an order of prohibition shall be liable to a *penalty* not exceeding twenty shillings per day during such contrary action; moreover, the local authority *may enter the premises*<sup>3</sup> to which any order relates, and abate the nuisance, and do whatever may be necessary in execution of such order, and recover in a *summary manner*<sup>4</sup> the expenses incurred by them from the person on whom the order is made.

### Appeal against Order.

99. Where any person appeals against an order to the court of quarter sessions in manner provided by *this Act*<sup>5</sup> no liability to penalty shall arise, nor shall any proceedings be taken or work be done under such order, until

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only to houses erected within the specified period. Cf. § 109 as to closing overcrowded houses on second conviction within three months of first.

<sup>1</sup> 'May' probably means 'shall' here.

<sup>2</sup> *I.e.*, default to obey order. As to recovery of penalties, *vide* §§ 251 and 253, *post*.

<sup>3</sup> Discretionary, although form of order in schedule *requires* local authority to execute works.

<sup>4</sup> *Vide* § 251, *post*.

<sup>5</sup> *Vide* §§ 268 and 269, *post*.

after the determination of such appeal, unless such appeal ceases to be prosecuted.<sup>1</sup>

**In certain cases Order may be addressed to Local Authority.**

100. Whenever it appears to the satisfaction of the court of summary jurisdiction that the person by whose act or default the nuisance arises, or the owner or occupier of the premises is not known or cannot be found, then the order of the court *may be*<sup>2</sup> addressed to and executed by the local authority.

**Power to sell Manure, etc.<sup>3</sup>**

101. Any matter or thing removed by the local authority in abating any nuisance under this Act may be sold by *public auction*; and the money arising from the sale may be retained by the local authority, and applied in payment of the expenses incurred by them in reference to such nuisance, and the surplus (if any) shall be paid, on demand, to the owner of such matter or thing.

**Power of Entry of Local Authority.**

102. The local authority, or any of their officers, *shall*<sup>4</sup>

<sup>1</sup> It does not appear *when* this can be established. In case the appellant gave notice of withdrawal prior to hearing, or failed to appear on such hearing, appeal would cease; *vide* § 268 as to appeal to Local Government Board.

<sup>2</sup> *Vide* Schedule IV., Form D.

<sup>3</sup> *Cf.* § 49, *ante*, as to disposal of filth in certain cases, without *public auction* being required; which would be an unnecessary requirement in many cases.

<sup>4</sup> This general direction is qualified in next paragraph. The following summary as to *right of entry* under this Act may be useful:

(1) As to entrance on premises for inspection of nuisances: On receipt of information as to a nuisance, the officer of the local authority should, under § 102, satisfy himself of its existence. He proceeds to premises, asks admission (he is not authorised to break in, or climb over a wall, but he may enter through an open door, or raise the latch and enter, *if unchallenged*): if refused admission he should obtain a justice's order under § 102; if this be resisted a penalty attaches under § 103; the hours for inspection are limited, under § 102, to 9 a.m. to 6 p.m.

(2) Under § 94, part 2, local authority may, where the person causing the nuisance cannot be found, forcibly enter without a justice's order, and abate nuisance, but should serve the legal notices.

be admitted into any premises for the purpose of examining as to the existence of any nuisance thereon, or of enforcing the provisions of any Act<sup>1</sup> in force within the district requiring fireplaces and furnaces to consume their own smoke, at any time between the hours of nine in the forenoon and six in the afternoon, or in the case of a nuisance arising in respect of any business, then at any hour when such business is in progress or is usually carried on.

Where under this Act a nuisance has been ascertained to exist,<sup>2</sup> or an order of abatement or prohibition<sup>3</sup> has been made, the local authority or any of their officers shall be<sup>4</sup> admitted from time to time into the premises between the hours aforesaid, until the nuisance is abated, or the works ordered to be done are completed, as the case may be.

Where an order of abatement or prohibition has not been complied with, or has been infringed, the local authority, or any of their officers, shall be admitted from time to time at all reasonable hours, or at all hours during which business is in progress or is usually carried on, into the premises where the nuisance exists, in order to abate the same.<sup>5</sup>

(3) In search of unwholesome food: The right of entry is absolute during 'reasonable times,' under § 116; and under § 118 a penalty attaches to preventing a M.O.H., or inspector of nuisances from entering for this purpose.

(4) To carry out regulations of Local Government Board: Right absolute under § 137, and a penalty attaches to obstruction under § 140.

(5) Entrance on any vessel under § 137: Right absolute.

(6) Under Public Health (Water) Act, 1878, § 7, there is right of entry to examine as to water supply in rural districts, under the terms of §§ 102 and 103 of the Public Health Act, 1875. Cf. note 3, p. 68.

<sup>1</sup> *I.e.*, local Act, or the general Act.

<sup>2</sup> It does not appear how this is to be ascertained; any more than § 94 shows how the local authority may 'satisfy' itself. An inspector, believing a nuisance to exist, but being unable to effect entry to examine and abate, should apply to the justices for an order to enter and abate under this section.

<sup>3</sup> Under § 96, *ante*. This paragraph only refers to inspection.

<sup>4</sup> Qualified in next paragraph.

<sup>5</sup> Cf. §§ 105 and 106, *post*.

If admission to premises for any of the purposes of this section is refused, any justice on complaint thereof *on oath by*<sup>1</sup> any officer of the local authority (made after reasonable notice in writing of the intention to make the same has been given to the *person*<sup>2</sup> having custody of the premises), may, by order under his hand, require the person having custody of the premises to admit the local authority, or their officer, into the premises during the hours aforesaid, and if no person having custody of the premises can be found, the justice shall, *on oath*<sup>1</sup> made before him of that fact, by order under his hand authorize the local authority or any of their officers to enter such premises during the hours aforesaid.

Any order made by a justice for admission of the local authority or any of their officers on premises shall continue in force until the nuisance has been abated, or the work for which the entry was necessary has been done.

#### **Penalty for Disobedience of Order.**

103. Any person who refuses to obey an order of a justice for admission of the local authority or any of their officers on any premises shall be liable to a penalty not exceeding *five pounds*.<sup>3</sup>

#### **Costs and Expenses of Execution of Provisions relating to Nuisances.**

104. All reasonable costs and expenses incurred in making a complaint, or giving notice, or in obtaining any order of the court or any justice in relation to a nuisance under this Act, or in carrying the same into effect, shall be deemed to be *money paid for the use*<sup>4</sup> and at the request of the person on whom the order is made ;

<sup>1</sup> *Vide* definition, 13 and 14 Vic. c. 21, and note 2, p. 85, *post*.

<sup>2</sup> There is no provision for effecting an entry into empty or unoccupied premises. The 'admission' referred to seems to imply that the premises are occupied or at least used. If the owner is known, but cannot be found, the case might be treated as one of refusal to admit, and a justice's order obtained for entrance under § 102, 4th paragraph, or if premises be unoccupied entry may be made under § 94, part second.

<sup>3</sup> As to recovery, *vide* § 251, *post*.

<sup>4</sup> *I.e.*, a civil debt contracted.

if no order is made on the local authority, or if no order is made, but the nuisance is proved to have existed before the complaint was made or the notice given, then the person by whose act or default the nuisance was caused; and in case of nuisances caused by the act or default of the *owner*<sup>1</sup> of premises, such costs and expenses may be recovered from any person who is for the time being the *owner*<sup>1</sup> of such premises: Provided that such costs and expenses shall not exceed in the whole one year's *rent*<sup>2</sup> of the premises.

Such costs and expenses, and any penalties incurred in connection with any such nuisance, may be recovered *in any manner*<sup>3</sup> or in any county<sup>4</sup> or superior court; and such court shall have power to divide costs and expenses between persons by whose acts or defaults the nuisance is caused as to it may seem just.

Costs and expenses recoverable under this section from a local authority from an *owner* of premises may be recovered from the *occupier* for the time being of such premises; and the owner shall allow such occupier to deduct any moneys which he pays under this enactment towards the rent from time to time becoming due in respect of such premises, as if the same had been actually paid to the owner as part of such rent:

Provided, that no such occupier shall be required to pay a further sum than the amount of rent for the time being due from him, or which, after demand of such costs and expenses from such occupier, and after notice not to pay to the landlord any rent without first deducting the amount of such costs or expenses, becomes payable by such occupier, unless he refuses, on application to him made to the local authority, truly to disclose the amount of his rent, and the name and address of the person to whom the same is payable; but the burden of proof that the amount demanded from any such occupier is greater than the amount payable by him at the time of such notice, or which has been demanded, shall lie on such occupier:

Provided also, that nothing herein contained shall affect

<sup>1</sup> *Vide* definition, § 4, *ante*.

<sup>2</sup> *Vide* definition, § 4, *ante*.

<sup>3</sup> *Vide* § 251, *post*.

<sup>4</sup> *Cf.* § 261, *post*.

any contract between any owner or occupier of any house building or other property whereby it is or may be agreed that the occupier shall pay or discharge all rates dues and sums of money payable in respect of such house building or other property, or to affect any contract whatsoever between landlord and tenant.<sup>1</sup>

### **Power of Individual to complain to Justice of Nuisance.**

105. Complaint may be made to a justice of the existence of a nuisance under this Act on *any premises*<sup>2</sup> within the district of *any* local authority by any person aggrieved thereby, or by any inhabitant of such district, or by any *owner* of premises within such district, and thereupon *the like proceedings*<sup>3</sup> shall be had with the like incidents and consequences as to making of orders, penalties for disobedience of orders, appeal, and otherwise, as in the case of a complaint relating to a nuisance made to a justice by the local authority :

Provided that the court may, if it thinks fit, adjourn the hearing or further hearing of the summons for an examination of the premises where the nuisance is alleged to exist, and may *authorize*<sup>4</sup> the entry into such premises of any constable or other person for the purposes of such examination :

Provided also, that the court may authorize any constable or other person to do all necessary acts for executing an order made under this section, and to recover the expenses from the person on whom the order is made *in a summary manner*.<sup>5</sup>

Any constable or other person authorized under this section shall have the like powers and be subject to the like *restrictions*<sup>6</sup> as if he were an officer of the local authority authorized under the provisions of this Act relating to nuisances to enter any premises and do any acts thereon.

<sup>1</sup> *Vide* § 226, *post*.

<sup>2</sup> *Vide* definition of *premises* and *owner*, § 4, *ante*.

<sup>3</sup> *I.e.*, detailed in previous sections ; but a person cannot be convicted under this section and also under § 98 in respect of disobedience of order relating to same offence.

<sup>4</sup> This authority must be given by order of the court ; *vide* § 102, *ante*.

<sup>5</sup> *Vide* § 251, *post*.

<sup>6</sup> *Vide* § 102, *ante*.

**Power of Officer of Police to proceed in certain cases against Nuisances.**

106. Where it is proved to the satisfaction of the Local Government Board that a local authority have made *default*<sup>1</sup> in doing their duty in relation to nuisances under this Act, the Local Government Board may authorize any officer of police acting within the district of the defaulting authority to institute any proceeding which the defaulting authority might institute with respect to such nuisances, and such officer may recover *in a summary manner*<sup>2</sup> or in any county or superior court any expenses incurred by him, and not paid by the person proceeded against, from the defaulting authority:

But such officer of police shall not be at liberty to enter any house or part of a house used as the dwelling<sup>3</sup> of any person without such person's consent, or *without the warrant of a justice*,<sup>4</sup> for the purpose of carrying into effect this enactment.

**Local Authority may take Proceedings in Superior Court for Abatement of Nuisances.**

107. Any local authority *may*, if in their opinion summary proceedings would afford an inadequate remedy, cause any proceedings to be taken against any person in *any superior court of law or equity*<sup>5</sup> to enforce the abatement or prohibition of any nuisance *under this Act*, or for the recovery of any penalties from or for the punishment of any persons offending against the provisions of *this Act* relating to nuisances, and may order the expenses of and incident to all such proceedings to be paid out of the *fund or rate applicable*<sup>6</sup> by them to the general purposes of this Act.

<sup>1</sup> *Vide* § 209, *post*.

<sup>2</sup> *Vide* § 251 *post*.

<sup>3</sup> Presumably the term 'dwelling' means a building used for sleeping purposes, as distinguished from a lock-up shop, warehouse, store, or workshop, etc. It is questionable whether a detached storehouse, used in connection with 'a dwelling,' and in the same curtilage could be considered as part of the 'dwelling' for the purposes of this section.

<sup>4</sup> *Vide* §§ 102 and 105, *ante*.

<sup>5</sup> Now read, 'The High Court of Justice.'

<sup>6</sup> As to these, *vide* §§ 207 and 229, *post*. Part VI of this Act refers to 'Rating and Borrowing Powers.'



**Power to proceed where Cause of Nuisance arises without District.**

108. Where a nuisance *under this Act within the district*<sup>1</sup> of a local authority appears to be wholly or partially caused by some act or default committed or taking place *without their district*, the local authority *may* take or cause to be taken against *any* person in respect of such act or default any proceedings in relation to nuisances by *this Act* authorized, with the same incidents and consequences, as if such act or default were committed or took place wholly within their district<sup>2</sup>; so, however, that summary proceedings shall in no case be taken otherwise than before a court having jurisdiction in the district where the act or default is alleged to be committed or take place.

This section shall extend to the *metropolis* so far as to authorize proceedings to be taken under it by any *nuisance authority* in the metropolis in respect of any nuisance within the area of their jurisdiction caused by an act or default committed or taking place within the district of a local authority under this Act; or by any such local authority in respect of any nuisance within their district caused by an act or default committed or taking place within the jurisdiction of any such nuisance authority.

In this section '*nuisance authority*' means<sup>3</sup> the local authority in the metropolis for the execution of the Nuisances Removal Act for England, 1855, and the *Acts* amending the same.

**Provision in case of Two Convictions for Overcrowding.**

109. Where two convictions against the provisions of *any Act* relating to the *overcrowding*<sup>4</sup> of a house have taken place within a period of *three months* (whether the persons convicted were or were not the same) *a court of*

<sup>1</sup> *Vide* § 91, *ante*, and § 114, *post*.

<sup>2</sup> *Vide* §§ 91-103, *ante*.

<sup>3</sup> *Vide* 23 and 24 Vic. c. 77. 'An Act to amend the Acts for the Removal of Nuisances and the Prevention of Diseases,' §§ 2 and 6 (repealed). *Cf.* § 115, *post, ad fin.*

<sup>4</sup> *Vide* § 91, *ante*. A house overcrowded so as to be dangerous to health is a nuisance under § 91, *ante*, and may be summarily dealt with under §§ 93-96, *ante*. § 97, *ante*, prohibits use of house

*jurisdiction*<sup>2</sup> may on the application of the local authority of the district in which the house is situated order the closing of the house for such period as the authority may deem necessary.

### **Provisions as to Ships.<sup>3</sup>**

For the purpose of the provisions of this Act relating to nuisances,<sup>4</sup> any ship or vessel lying in any river or other water within the district of a local authority shall be subject to the jurisdiction of that authority in the same manner as if it were a house within such district. Any ship or vessel lying in any river harbour or other water not within the district of a local authority shall be deemed to be within the district of such local authority as may be prescribed by the Local Government, and where no local authority has been prescribed, the local authority whose district nearest adjoins the water where such ship or vessel is lying.

Any person in charge of any such ship or vessel shall be deemed for the purpose of the said provisions to be the occupier of such ship or vessel.

The provisions of this Act shall not apply to any ship or vessel under the command or charge of any officer bearing Her Majesty's Commission, or to any ship or vessel belonging to the Government.

### **Provisions of Act relating to Nuisances not to affect other remedies.**

The provisions of this Act relating to nuisances shall be in addition to and not to abridge any other right remedy or proceeding under any other Act.

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<sup>2</sup> existence of any nuisance referred to in § 91 it is 'unfit for habitation.'

<sup>3</sup> definition, § 4, *ante*.

<sup>4</sup> there is no explanation of this procedure. Presumably due notice should be given and an Order made on offender, although the section implies this. Or a copy of a resolution directing the premises to be closed, signed by the clerk, will be a sufficient means of procedure.

<sup>5</sup> persons on board ship suffering from dangerous infectious disease shall be removed therefrom, under § 124, *post*; cf. §§ 125 and 126, *vide* §§ 287-292, *post*, on Port Sanitary Authorities.

<sup>6</sup> 91, *ante*.

*provisions*<sup>1</sup> of this Act or under any other Act, or at law or in equity :

Provided that no person shall be punished for the same offence both under the provisions of this Act relating to nuisances, and under any other law or enactment.

## OFFENSIVE TRADES.

### Restriction on Establishment of Offensive Trade in Urban District.

112. Any person who, *after the passing of this Act*,<sup>2</sup> establishes within the district of an *urban*<sup>3</sup> authority, without their consent in *writing*<sup>4</sup> any offensive trade ; that is to say, the trade of

Blood boiler, or  
Bone boiler, or  
Fellmonger, or  
Soap boiler, or  
Tallow melter, or  
Tripe boiler, or

Any other noxious or offensive trade business or manufacture, shall be liable to a *penalty* not exceeding *fifty pounds* in respect of the *establishment* thereof, and any person carrying on a business so established shall be liable to a *penalty* not exceeding *forty shillings* for every day on which the offence is continued, whether there has or has not been any conviction in respect of the establishment thereof.

<sup>1</sup> *Vide, e.g.*, §§ 35-41, *ante*, as to privy accommodation ; §§ 42-47, *ante*, as to cleansing streets, removing refuse, keeping swine, etc. ; §§ 48-50, *ante*, as to offensive ditches, etc. ; §§ 68-70, *ante*, as to pollution of water ; §§ 71-75, *ante*, as to cellar dwellings ; §§ 76-89, *ante*, as to common lodging-houses ; §§ 112-115, *post*, as to offensive trades ; *cf.* also §§ 340 and 341, *post*.

<sup>2</sup> Businesses established since 1848 were dealt with under 11 and 12 Vic. c. 63, § 64 (Public Health Act, 1848).

<sup>3</sup> A *rural* authority would have to apply to the Local Government Board for power under § 276, *post*, to apply these provisions. *Cf.* § 251, *post*.

<sup>4</sup> A resolution of the authority, permitting the establishment, signed by clerk, will presumably suffice.

### Byelaws as to Offensive Trades in Urban District.

113. Any *urban* authority may from time to time make *byelaws*<sup>1</sup> with respect to any offensive trades established with their consent *either before or after the passing of this Act*,<sup>2</sup> in order to prevent or diminish the noxious or injurious effects thereof.

### Duty of Urban Authority to complain to Justice of Nuisance arising from Offensive Trade.

114. Where any candle-house melting-house melting-place or soap-house, or any slaughter-house, or any building or place for boiling offal or blood, or for boiling burning or crushing bones, or any manufactory building or place used for any trade business process or manufacture causing effluvia,<sup>3</sup> is certified to any urban authority by their medical officer of health, or by any two *legally qualified*<sup>4</sup> medical practitioners, or by any ten inhabitants of the district of such urban authority, to be a *nuisance or injurious*<sup>5</sup> to the health of any of the inhabitants of the district, such urban authority *shall*<sup>6</sup> direct complaint to be made before a justice, who *may* summon the person by or on whose behalf the trade so complained of is carried on to appear before a *court of summary jurisdiction*<sup>7</sup>.

The court *shall* inquire into the complaint, and if it appears to the court that the business carried on by the person complained of is a *nuisance*,<sup>8</sup> or causes any effluvia which is a *nuisance or injurious to the health* of any of the inhabitants of the district, and unless it be shown that

<sup>1</sup> *Vide* §§ 182-186, *post*, as to making, confirmation, and publication of; § 251 as to enforcing of byelaws.

<sup>2</sup> Since 1848.

<sup>3</sup> N.B. No limitation as to time of establishment. These trades are not all mentioned in § 112.

<sup>4</sup> *I.e.*, registered under 21 and 22 Vic. c. 90, § 34.

<sup>5</sup> The justices may convict in case the trade causes effluvia, which are a nuisance, though not injurious to persons in sound health.

<sup>6</sup> Imperative; certification should be in writing; if local authority neglect to proceed it will be in default, as to which, *vide* §§ 106 and 299.

<sup>7</sup> *Vide* definition, § 4, *ante*.

<sup>8</sup> *I.e.*, interferes with the comfort and enjoyment of another in connection with health (a nuisance from noise would not come under this Act, unless it could be proved injurious to health, nor would the nuisance from an immoral house). *Cf. notes* 1 and 6, p. 66, *ante*.

such person has used *the best practicable means* for abating such nuisance, or preventing or counteracting such effluvia, the person so offending (being the owner or occupier of the premises, or being a foreman or other person employed by such owner or occupier) shall be liable to a *penalty* not exceeding *five pounds* nor less than *forty shillings*, and on a second and any subsequent conviction to a *penalty* double the amount of the penalty imposed for the last preceding conviction, but the highest amount of such penalty shall not in any case exceed the sum of *two hundred pounds* :

Provided that the court *may* suspend its final determination on condition that the person complained of undertakes to adopt, within a reasonable time, such means as the court may deem to be practicable and order to be carried into effect for abating such nuisance, or mitigating or preventing the injurious effects of such effluvia, or if such person gives notice of appeal to the court of quarter sessions in manner provided by this Act.<sup>1</sup>

Any *urban* authority may, if they think fit, on such certificate as is in the section mentioned, cause to be taken any proceedings in any *superior court*<sup>2</sup> of law or equity against any person in respect of the matters alleged in such certificate.

### **Power to proceed where Nuisance arises from Offensive Trade carried on without District.**

115. Where any house building manufactory or place which is certified in pursuance of the last preceding section to be a nuisance *or* injurious to the health of any of the inhabitants of the district of an *urban* authority is situated *without* such district, such urban authority may take or cause to be taken any proceedings by that section authorized in respect of the matters alleged in the certificate, with the same incidents and consequences, as if the house building manufactory or place were situated *within* such district; so, however, that *summary proceedings*<sup>3</sup> shall not in any case be had otherwise than before a court

<sup>1</sup> *Vide* § 269, *post*.

<sup>2</sup> *I.e.*, in any division of the High Court of Justice.

<sup>3</sup> *I.e.*, under § 251, *post*.

having jurisdiction in the district where the house building manufactory or place is situated.

This section shall extend to the *metropolis* so far as to authorize proceedings to be taken under it by *any nuisance authority* in the metropolis in respect of any house building manufactory or place which is certified as aforesaid to be a nuisance or injurious to the health of any of the inhabitants within the area of their jurisdiction, and is situated within the district of a local authority under this Act; or by any *urban* authority in respect of any house building manufactory or place which is certified as aforesaid to be a nuisance or injurious to the health of any of the inhabitants of their district, and is situated within the jurisdiction of any such nuisance authority.

In this section 'nuisance authority' means<sup>1</sup> the local authority in the metropolis for the execution of the Nuisances Removal Act for England, 1855, and *the Acts amending the same*.

#### UNSOUND MEAT, ETC.

##### Power of Medical Officer of Health to inspect Meat, etc.<sup>2</sup>

116. Any medical officer of health or inspector of nuisances may at *all reasonable times*<sup>3</sup> inspect and examine any animal carcase meat poultry game flesh fish fruit vegetables corn bread flour or milk exposed for sale, or deposited in any place for the purpose of sale, or of preparation for sale, *and intended for the food of man*, the proof that the same was not exposed or deposited for any such purpose, or was not intended for the food of man, resting with the party charged; and if any such animal carcase meat poultry game flesh fish fruit vegetables corn bread flour or milk appears to such medical officer or inspector to be diseased or unsound or unwholesome *or* unfit for the food of man, he may seize and carry away the same himself or by an assistant, in order to have the same dealt with by a justice.<sup>4</sup>

<sup>1</sup> Cf. p. 76, note 3, *ante*.

<sup>2</sup> *N.B.* No right of entry is given, but under § 118, *post*, a penalty may be inflicted on the person who prevents entrance. It must not be forgotten that this § does not refer to food unless intended for man.

<sup>3</sup> Sunday is not necessarily an 'unreasonable time.'

<sup>4</sup> *N.B.* He may not of himself destroy it.

### **Power of Justice to order Destruction of Unsound Meat, etc.**

117. If it appears to the justice that any animal carcase meat poultry game flesh fish fruit vegetables corn bread flour or milk so seized is diseased or unsound or unwholesome or unfit for the food of man, he shall condemn<sup>1</sup> the same, and order it to be destroyed or so disposed of as to prevent it from being exposed for sale or used for the food of man; and the person to whom the same belongs or did belong at the time of exposure for sale, or in whose possession or on whose premises the same was found, shall be liable to a *penalty* not exceeding *twenty pounds* for every animal carcase or fish or *piece*<sup>2</sup> of meat flesh or fish, or any poultry or game, or for the parcel of fruit vegetables corn bread or flour or for the milk so condemned, or, at the discretion of the justice, without the infliction of a fine, to imprisonment for a term of not more than *three months*.

The justice who, under this section, is empowered to convict the offender may be either the justice who may have ordered the article to be disposed of or destroyed, or any other justice having jurisdiction in the place.

### **Penalty for hindering Officer from inspecting Meat, etc.**

118. Any person who in any manner *prevents*<sup>3</sup> any medical officer of health or inspector of nuisances from

<sup>1</sup> The condemnation is superfluous; the order to destroy or 'dispose of' is all that need have been required, still the Act must be strictly followed.

<sup>2</sup> The exposure of *each* fish and *piece* of meat is a separate offence. An appeal against a sentence inflicting 20s. penalty, with costs, for *each* of four pieces of unsound meat exposed for sale, was dismissed; each of the three defendants having to pay the full penalty. The exposure of unwholesome meat for sale as human food is an offence at common law; but merely sending it to market, not intending it for food, is not. By 10 and 11 Vic. c. 14, § 15 (Markets and Fairs Clauses Act, 1847), 'Every person who shall sell or expose for sale any unwholesome meat or provisions in the *market or fair*, shall be liable to a penalty not exceeding £5 for every such offence.'

<sup>3</sup> This implies active obstruction; *e.g.*, a refusal by a tradesman to go some distance to admit officer to inspect his premises was held *not to be prevention*; there should be some overt act of resistance. But *cf.* next section.

entering any *premises*<sup>1</sup> and inspecting any animal carcase meat poultry game flesh fish fruit vegetables corn bread flour or milk exposed or deposited for the purpose of sale, or of preparation for sale, and intended for the food of man, or who obstructs or impedes any such medical officer or inspector or his assistant, when carrying into execution the provisions of this Act, shall be liable to a *penalty* not exceeding *five pounds*.;

### Search Warrant may be granted by a Justice.

119. On complaint made on *oath*<sup>2</sup> by a medical officer of health, or by an inspector of nuisances, or other officer of a local authority, any justice may grant a warrant to any such officer to enter any building or part of a building in which such officer has reason for believing that there is kept or concealed any animal carcase meat poultry game flesh fish fruit vegetables corn bread flour or milk which is intended for sale for the food of man, and is diseased unsound or unwholesome, or unfit for the food of man; and to search for *seize and carry*<sup>3</sup> away any such animal or other article in order to have the same *dealt* with by a justice under the provisions of this Act.

Any person who obstructs any such officer in the performance of his duty under such warrant shall, in addition to any other punishment to which he may be subject, be liable to a *penalty* not exceeding *twenty pounds*.<sup>4</sup>

## INFECTIOUS DISEASES AND HOSPITALS.

### PROVISIONS AGAINST INFECTION.

#### Duty of Local Authority to cause Premises to be Cleansed and Disinfected.

120. Where any local authority are of opinion, on the certificate of their medical officer of health or of any

<sup>1</sup> *Vide* definition, § 4, *ante*.

<sup>2</sup> *N.B.* Complaint on oath, the only occasion in this Act. *Vide* definition, 13 and 14 Vic. c. 21. 'Oath' includes affirmation or declaration of a person allowed by law to affirm or declare instead of swearing. As to false evidence on oath, *vide* § 263, *post*.

<sup>3</sup> *N.B.* No penalty for concealment of unsound food, except the seizing and carrying it away; to merit a penalty exposure for sale for the food of man, or of preparation for sale, is required.

<sup>4</sup> As to recovery, *vide* § 251, *post*.



other *legally qualified*<sup>1</sup> medical practitioner, that the cleansing and disinfecting of any house or part thereof, and of any articles therein likely to retain infection, would tend to prevent or check infectious disease, it shall be *the duty*<sup>2</sup> of such authority to give notice in writing to the *owner or occupier*<sup>3</sup> of such house or part thereof requiring him to cleanse and disinfect such house or part thereof and articles within a time specified in such notice.

If the person to whom notice is so given fails to comply therewith, he shall be liable to a *penalty* of not less than *one shilling* and not exceeding *ten shillings* for every day during which he continues to make default; and the local authority shall cause such house or part thereof and articles to be cleansed and disinfected, and may recover the expenses incurred from the owner or occupier in default in a *summary manner*.<sup>4</sup>

Where the owner or occupier of any such house or part thereof is from poverty or otherwise unable, in the opinion of the local authority, effectually to carry out the requirements of this section, such authority may, without enforcing such requirements on such owner or occupier, with his consent cleanse and disinfect such house or part thereof and articles, and defray the expenses thereof.

### **Destruction of Infected Bedding, etc.**

121. Any local authority may direct the *destruction*<sup>4</sup> of any bedding clothing or other articles which have been exposed to infection from any *dangerous* infectious disorder, and may give compensation for the same.

### **Provision of Means of Disinfecting.**

122. Any local authority may provide a proper place, with all necessary apparatus and attendance, for the *disinfection* of bedding clothing or other articles which have

<sup>1</sup> *I.e.*, registered under 21 and 22 Vic. c. 90, § 34. Cf. § 46, *ante*, as to purification of filthy premises on certificate of two medical practitioners, or of the medical officer of health.

<sup>2</sup> *N.B.*, Imperative: *vide* §§ 106 and 299, *post*, as to default.

<sup>3</sup> *Vide* § 251, *post*.

<sup>4</sup> Compensation may be made under § 308 to any person 'in relation to any matter in which he is not himself in default.' As to expenses of urban authority, *vide* § 207, and of rural authority, § 229, *post*.

become infected, and may cause any articles brought for disinfection to be disinfected free of charge.

### Provision of Conveyance for Infected Persons.

123. Any local authority may provide and maintain a carriage<sup>1</sup> or carriages suitable for the conveyance of persons suffering under any infectious disorder, and may pay the expense of conveying therein any person so suffering to a hospital or other place of destination.

### Removal of Infected Persons without Proper Lodging to Hospital by Order of Justice.

124. Where any suitable hospital or place for the reception of the sick is provided within the district of a local authority, or within a convenient distance of such district, any person who is suffering from any dangerous infectious disorder, and is without proper lodging or accommodation, or lodged in a room occupied by more than one family, or is on board any ship or vessel, may, on a certificate signed by a *legally qualified medical practitioner*,<sup>2</sup> and with the *consent*<sup>3</sup> of the superintending body of such hospital or place, be removed, by order of any justice, to<sup>4</sup> such hospital or place at the cost of the local authority; and any person so suffering, who is lodged in *any common lodging-house*,<sup>5</sup> may, with the like consent and on a like certificate, be so removed by order of the local authority.

An order under this section may be addressed to such constable or officer of the local authority as the justice or local authority making the same may think expedient; and any person who wilfully disobeys or obstructs the execution of such order shall be liable to a *penalty not exceeding ten pounds*.<sup>6</sup>

<sup>1</sup> *Vide* Mem. of Local Government Board, Dec., 1876, on 'Amalgamations.'

<sup>2</sup> *I.e.*, registered under 21 and 22 Vic. c. 90.

<sup>3</sup> A general consent will presumably be sufficient, otherwise removal, so as to be of any use in effecting isolation, would be frequently useless and impossible.

<sup>4</sup> There is no power given under this section to retain the patient in hospital, although there is under the special circumstances dealt with in § 125, *post*. An infected patient leaving the hospital would have to be dealt with under § 126, *post*.

<sup>5</sup> *Vide* § 84, *ante*.

<sup>6</sup> As to penalties, *vide* § 251, *post*.

**Removal to Hospital of Infected Persons brought by Ships.**

125. Any local authority may make regulations (to be approved of by the Local Government Board) for removing to any hospital to which such authority are entitled<sup>1</sup> to remove patients, and for *keeping in such hospital* as long as may be necessary, any persons brought *within their district by any ship or boat*<sup>2</sup> who are infected with a dangerous infectious disorder, and such regulations may impose on offenders against the same reasonable *penalties* not exceeding forty shillings for each offence.

**Penalty on Exposure of Infected Persons and Things.**

126. Any person who—

- (1) While suffering from any *dangerous*<sup>3</sup> infectious disorder wilfully exposes himself without proper precautions against spreading the said disorder in any street public place shop *inn*<sup>4</sup> or public conveyance or enters any public conveyance without previously notifying to the owner conductor or driver thereof that he is so suffering ; or

<sup>1</sup> Under § 124, *ante*.

<sup>2</sup> The reason for this restriction to persons brought by 'ship or boat' is not evident, nor why power of retention in hospital should be granted in this case and not also under § 124.

<sup>3</sup> The carrying of a child through the street after it had been inoculated with small-pox was decided to be an offence ; also the bringing a horse with glanders into a public place ; a person having a dangerous infectious disease, or being in charge of one, is responsible for going into another person's house ; *e.g.*, a lodging-house keeper has got judgment and costs against a lodger for bringing children infected with scarlet fever into his house and infecting his children.

<sup>4</sup> 'Burn's Justice' states that 'An inn or hostel may be defined to be a house in which travellers, passengers, wayfaring men, and other such-like casual *guests* are accommodated with victuals and lodgings, and whatever they reasonably desire for themselves and their horses, at a reasonable price, while on their way.'

The same writer observes : 'If one who keeps a common inn improperly refuse either to receive a traveller as a *guest* into his house, or to find him victuals or lodgings upon his tendering a reasonable price for the same, he is not only liable to render damages for the injury, but may also be indicted and fined.' A case is cited wherein it was decided that the indictment should state that the person

- (2) Being in charge of *any person*<sup>1</sup> so suffering, so exposes such sufferer ; or
- (3) Gives<sup>2</sup> lends sells transmits or exposes, without previous disinfection, any bedding clothing rags or other things which have been exposed to infection from any such disorder,

shall be liable to a *penalty* not exceeding *five pounds* ; and a person who, while suffering from any such disorder, enters any public conveyance without previously notifying to the owner or driver that he is so suffering, shall in addition be ordered by the court to pay such owner and driver the amount of any loss and expense they may incur in carrying into effect the provisions of this Act with respect to disinfection of the conveyance.

Provided that no proceedings under this section shall be taken against persons transmitting with proper precautions any bedding clothing rags or other things for the purpose of having the same disinfected.<sup>3</sup>

### **Penalty on failing to provide for Disinfection of Public Conveyance.**

127. Every owner or driver of a public conveyance shall immediately provide for the disinfection of such conveyance after it has to his knowledge conveyed any person suffering from a dangerous infectious disorder ; and if he fails to do so he shall be liable to a *penalty* not exceeding *five pounds* ; but no such owner or driver shall be required to convey any person so suffering until he has been paid a sum sufficient to cover any loss or expense incurred by him in carrying into effect the provisions of this section.

### **Penalty on letting Houses in which Infected Persons have been Lodging.**

128. Any person who knowingly lets for hire any house room or part of a house in which any person has been

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refused was a *traveller*, otherwise it would be quashed. A person who goes into an inn, and drinks a glass, and goes out again, is probably *not* a 'guest' within the meaning of the section referred to.

<sup>1</sup> *N.B.* Adult or child.

<sup>2</sup> Presumably *knowing* the fact of the things being infected.

<sup>3</sup> *Vide* § 122, *ante*.

suffering from any dangerous infectious disorder, without having such house room or part of a house and all articles therein liable to retain infection, disinfected to the satisfaction of a *legally qualified medical practitioner*,<sup>1</sup> as testified by a certificate signed by him, shall be liable to a *penalty* not exceeding *twenty pounds*.

For the purposes of this section, the keeper of an *inn*<sup>2</sup> shall be deemed to let for hire part of a house to any person admitted as a guest into such *inn*.<sup>2</sup>

### **Penalty on Persons letting Houses making False Statements as to Infectious Disease.**

129. Any person *letting* for hire or *showing* for the purpose of letting for hire any house or part of a house, who on being questioned by any person negotiating for the hire of such house or part of a house as to the fact of there being or *within six weeks* previously having been therein any person suffering from any *dangerous* infectious disorder, knowingly makes a false answer to such a question, shall be *liable*,<sup>3</sup> at the discretion of the court, to a *penalty* not exceeding *twenty pounds*, or to *imprisonment*, with or without hard labour, for a period not exceeding *one month*.

### **Power of Local Government Board to make Regulations.**

130. The Local Government Board may from time to time make alter and revoke such *regulations*<sup>4</sup> as to the said Board may seem fit, with a view to the treatment of persons affected with cholera, or any other epidemic endemic or infectious disease, and preventing the spread of cholera and such other diseases, as well on the seas rivers and waters of the United Kingdom, and on the high seas *within three miles of the coasts* thereof, as on land; and may declare by what authority or authorities such regulations shall be enforced and executed. Regu-

<sup>1</sup> *I.e.*, registered under 21 and 22 Vic. c. 90.

<sup>2</sup> *Cf.* note 4, p. 88.

<sup>3</sup> *Vide* § 251, *post*.

<sup>4</sup> What regulations? Presumably those issued by the Local Government Board with regard to epidemics of dangerous disease. *Cf.* § 134, *post*.

lations so made shall be published in the *London Gazette*, and such publication shall be for all purposes conclusive evidence of such regulations.

Any person wilfully neglecting or refusing to obey or carry out or obstructing the execution of any regulation made under this section shall be liable to a *penalty* not exceeding *fifty pounds*.

#### HOSPITALS.

##### **Power of Local Authority to provide Hospitals.**

131. Any local authority may provide for the use of *the inhabitants*<sup>1</sup> of their district hospitals or temporary places for the reception of the sick, and for that purpose may—

Themselves build such hospitals or places of reception ;  
or

Contract for the use of any such hospital or part of a hospital or place of reception ; or

Enter into any agreement with any person having the management of any hospital, for the reception of the sick inhabitants of their district, on payment of such annual or other sum as may be agreed on.

Two or more local authorities may combine in providing a common hospital.

##### **Recovery of Cost of Maintenance of Patient in Hospital.**

132. Any expenses incurred by a local authority in maintaining in a hospital, or in a temporary place for the reception of the sick (whether or not belonging to such authority), a patient who is not a pauper, shall be deemed to be a debt due from such patient to the local authority, and may be recovered from him at any time within six months after his discharge from such hospital or place of reception, or from his estate in the event of his dying in such hospital or place.

##### **Power to provide Temporary Supply of Medicine.**

133. Any local authority may, with the sanction of the local Government Board, themselves provide or contract

<sup>1</sup> Paupers are to be provided for by the Guardians.

with any person to provide a temporary supply of medicine and medical assistance for the poorer inhabitants of their district.

#### PREVENTION OF EPIDEMIC DISEASES.

#### **Power of Local Government Board to make Regulations for Prevention of Diseases.**

134. Whenever any part of England appears to be threatened with or is affected by any formidable epidemic endemic or infectious disease, the Local Government Board may make and from time to time alter and revoke regulations for all or any of the following purposes; (namely),

- (1) For the speedy interment of the dead ; and
- (2) For house to house visitation ; and
- (3) For the provision of medical aid and accommodation, for the promotion of cleansing ventilation and disinfection, and for guarding against the spread of disease ;

and may by order declare all or any of the regulations so made to be in force within the whole or any part or parts of the district of any local authority, and to apply to any vessels, whether on inland waters or on arms or parts of the sea within the jurisdiction of the Lord High Admiral of the United Kingdom or the commissioners for executing the office of the Lord High Admiral for the time being, for the period in such order mentioned ; and may by any subsequent order abridge or extend such period.

#### **Publication of Regulations and Orders.**

135. All regulations and orders so made by the Local Government Board shall be published in the *London Gazette*, and such publication shall be conclusive evidence thereof for all purposes.

#### **Local Authority to see to the Execution of Regulations.**

136. The local authority of any district within which or part of which regulations so issued by the Local Government Board are declared to be in force, shall superintend

and see to the execution thereof, and shall appoint and pay such medical or other officers or persons, and do and provide all such acts matters and things as may be necessary for mitigating any such disease, or for superintending or aiding in the execution of such regulations, or for executing the same, as the case may require. Moreover, the local authority may from time to time direct any prosecution or legal proceedings for or in respect to the wilful violation or neglect of any such regulation.

### **Power of Entry.**

137. The local authority and their officers shall have *power of entry*<sup>1</sup> on any *premises* or vessel for the purpose of executing or superintending the execution of any regulations so issued by the Local Government Board as aforesaid.

### **Poor Law Medical Officer entitled to Costs of Attendance on board Vessels.**

138. Whenever, in compliance with any regulation so issued by the Local Government Board as aforesaid, any poor law medical officer performs any medical service on board any vessel, he shall be *entitled to charge extra*<sup>2</sup> for such service, at the general rate of his allowance for services for the union or place for which he is appointed; and such charges shall be *payable by the captain* of such vessel on behalf of the owners thereof, together with any reasonable expenses for the treatment of the sick.

Where such services are rendered by *any medical practitioner*<sup>3</sup> who is not a poor law medical officer, he shall be entitled to charges for any service rendered on board, with extra remuneration on account of distance, at the same rate as those which he is in the habit of receiving from private patients of the class of those attended and treated on shipboard, to be paid as aforesaid. In case of dispute in respect of such charges, such dispute may,

<sup>1</sup> Without demand or notice. Refusal to admit would be obstruction under § 140, *post*; as to definition of *premises*, *vide* § 4, *ante*.

<sup>2</sup> From what funds is the charge to come? Presumably the captain must pay the Guardians' extra charge, which the poor law medical officer will claim from them.

<sup>3</sup> Registered under 21 and 22 Vic. c. 90.



where the charges do not exceed *twenty pounds*, determined by a court of *summary jurisdiction*;<sup>1</sup> such court shall determine summarily the amount which is reasonable, according to the accustomed rate of charges within the place where the dispute arises for attendance on patients of the like class as those in respect of which the charge is made.

### **Local Government Board may combine Local Authorities.**<sup>2</sup>

139. The Local Government Board may, if they think fit, by order authorize or require any two or more local authorities to act together for the purposes of the provisions of this Act relating to prevention of epidemic diseases, and may prescribe the mode of such joint action and of defraying the costs thereof.

### **Penalty for Violating or Obstructing the Execution of Regulations.**

140. Any person who—

- (1) Wilfully violates any regulation so issued by the Local Government Board as aforesaid; or,
- (2) Wilfully obstructs any person acting under authority or in the execution of any such regulation,

shall be liable to a *penalty* not exceeding *five*<sup>3</sup> pounds.

### MORTUARIES, ETC.

#### **Power of Local Authority to provide Mortuaries**

141. Any local authority may, and if required by the Local Government Board shall, provide and fit up a proper place for the reception of dead bodies before interment (in this Act called a mortuary), and may make bye-laws with respect to the management and charge of the same; they may also provide for the dec-

<sup>1</sup> *Vide* definition, § 4, *ante*; for recovery of penalties, *vide* § *post*.

*Vide* further provisions for combination, in Part VIII. §§ 286 of this Act.

<sup>3</sup> As to recovery, *vide* § 251, *post*.

<sup>4</sup> *Vide* § 175, *post*, as to acquisition of land for a site.

and economical *interment*,<sup>1</sup> at charges to be fixed by such byelaws, of any dead body which may be received into a mortuary.

**Justice may in certain cases Order Removal of Dead Body to Mortuary.**

142. Where the body of one who has died of any infectious disease is retained in a room in which persons live or sleep, or any dead body which is in such a state as to endanger the health of the inmates of the same house or room is retained in such a house or room, any justice may, on a certificate signed by a *legally qualified medical practitioner*,<sup>2</sup> order the body to be removed, at the cost of the local authority, to any mortuary provided by such authority, and direct the same to be buried within a time to be limited in such order ; and unless the friends or relations of the deceased undertake to bury the body within the time so limited, and do bury the same, it shall be the duty of *the relieving officer*<sup>3</sup> to bury such body at the expense of the poor rate, but any expense so incurred may be recovered by the relieving officer in a summary manner from any person legally liable to pay the expense of such burial.

Any person obstructing the execution of an order made by a justice under this section shall be liable to a *penalty* not exceeding *five pounds*.<sup>4</sup>

**Power of Local Authority to provide Places for Post-mortem Examinations.**

143. Any local authority may provide and maintain a proper place (otherwise than at a workhouse or at a *mortuary*<sup>5</sup>) for the reception of dead bodies during the time required to conduct any post-mortem examination ordered by a coroner or other constituted authority, and may

<sup>1</sup> It does not appear by whom: presumably by the local authority, who have power to pay for the burial.

<sup>2</sup> *I.e.*, registered under 21 and 22 Vic. c. 90.

<sup>3</sup> *I.e.*, of the union or parish in which the mortuary is situated.

<sup>4</sup> As to recovery, *vide* § 251, *post*.

<sup>5</sup> The mortuary does not mean merely the dead-house, but the whole establishment, with its necessary incidentals. The place for post-mortems should therefore, under this section, not be included within the walls of the mortuary establishment. The reason for the exclusion of a workhouse or mortuary is no doubt to prevent any

make *regulations*<sup>1</sup> with respect to the management of such place ; and where any such place has been provided, a coroner or other constituted authority may order the removal of the body to and from such place for carrying out such post-mortem examination, such costs of removal to be paid in the same manner and out of the same fund as the costs and fees for post-mortem examinations when ordered by the coroner.

## PART IV.

(*Selected Sections from the Public Health Act, 1875.*)

### REGULATION OF STREETS AND BUILDINGS.

#### **Vesting of Streets, etc., in Urban Authority.**

149. All *streets*,<sup>2</sup> being or which at any time become highways repairable by the inhabitants at large within any urban district, and the pavements stones and other materials thereof, and all buildings implements and other things provided for the purposes thereof, shall vest in and be under the control of the urban authority.

The urban authority *shall*<sup>3</sup> from time to time cause all such streets to be levelled paved metalled flagged channelled, altered and repaired as occasion may require ; they may from time to time cause the soil of any such street to be raised lowered or altered as they may think fit, and may place and keep in repair fences and posts for the safety of foot passengers.

Any person who without the consent of the urban authority wilfully displaces or takes up or who injures the pavement stones materials fences or posts of or the trees

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suspicion on the part of the public, so sensitive on the subject of the treatment of the dead, that the removal of a body to a mortuary might include dissection. In case the post-mortem room and mortuary are provided out of the rates, and not out of funds obtained from the L. G. B., these restrictions would not be compulsory.

<sup>1</sup> These are not Bye-laws requiring confirmation, but they must be published under § 188, *post*.

<sup>2</sup> *Vide* definition, § 4, *ante* ; under § 144 the urban authority is the surveyor of highways.

<sup>3</sup> Imperative, and if duty neglected the urban authority will be *in default*, as to which *vide* §§ 106 and 299 *post*.

in any such street shall be liable to a *penalty*<sup>1</sup> not exceeding *five pounds*, and to a further penalty not exceeding *five shillings* for every square foot of pavement stones or other materials so displaced taken up or injured ; he shall also be liable in the case of any injury to trees to pay to the local authority such amount of compensation as the court may award.

### Power to compel Paving, etc., of Private Streets.

150. Where any *street*<sup>2</sup> within any urban district (not being a highway repairable by the inhabitants at large) or the carriageway footway or any other part of such street is not sewered levelled paved metalled flagged channelled and made good or is not *lighted* to the satisfaction of the urban authority, such authority may, by notice addressed to the respective *owners*<sup>3</sup> or *occupiers* of the premises fronting adjoining or abutting on such parts thereof as may require to be sewered levelled paved metalled flagged or channelled, or to be lighted, require them to sewer level pave metal flag channel or make good or to provide proper means for lighting the same within a time to be specified in such notice.

Before giving such notice the urban authority shall cause plans and sections of any structural works intended to be executed under this section, and an estimate of the probable cost thereof, to be made under the direction of their surveyor, such plans and sections to be on a scale of not less than *one inch for eighty-eight feet* for a horizontal plan, and on a scale of not less than *one inch for ten feet* for a vertical section, and, in the case of a sewer, showing the depth of such sewer below the surface of the ground : such plans sections and estimate shall be deposited in the office of the urban authority, and shall be open at all reasonable hours for the inspection of all persons interested therein during the time specified in such notice ; and a reference to such plans and sections in such notice shall be sufficient without requiring any copy of such plans and sections to be annexed to such notice.

If such notice is not complied with, the urban authority

<sup>1</sup> As to recovery, *vide* § 251, *post*.

<sup>2</sup> *Vide* definition, § 4, *ante*.

<sup>3</sup> *Vide* definition, § 4, *ante*.

may, if they think fit, execute the works mentioned or referred to therein; and may recover in a summary manner<sup>1</sup> the expenses incurred by them in so doing from the owners<sup>2</sup> in default, according to the frontage of their respective premises, and in such proportion as is settled by the surveyor of the urban authority, or (in case of dispute) by arbitration in manner provided by this Act; or the urban authority may by order declare the expenses so incurred to be *private improvement expenses*.<sup>3</sup>

The same proceedings may be taken, and the same powers may be exercised, in respect of any street or road of which a part is or may be a public footpath or repairable by the inhabitants at large as fully as if the whole of such street or road was a highway not repairable by the inhabitants at large.

### **Power to make Byelaws respecting New Buildings, etc.**

157. Every urban authority may *make byelaws*<sup>4</sup> with respect to the following matters; (that is to say.)

- (1) With respect to the level width and construction of *new streets*, and the provisions for the sewerage thereof:
- (2) With respect to the *structure*<sup>5</sup> of walls foundations roofs and chimneys of *new buildings*<sup>6</sup> for securing stability and the prevention of fires, and for purposes of health:
- (3) With respect to the sufficiency of the space about buildings to secure a free circulation of air, and with respect to the *ventilation*<sup>7</sup> of buildings:
- (4) With respect to the drainage of buildings, to water-closets earthclosets privies ashpits and cesspools in connection with buildings, and to the closing of

<sup>1</sup> *Vide* § 251, *post*.

<sup>2</sup> Owner or occupier must receive notice, but owner alone liable for expenses.

<sup>3</sup> *Vide* § 213, *post*.

<sup>4</sup> As to making, confirming, and publication of, *vide* §§ 182-186, *post*; as to enforcing, *vide* § 251, *post*.

<sup>5</sup> No reference is made to the rooms.

<sup>6</sup> *Vide* definition, § 159, *post*.

<sup>7</sup> *Vide* 10 and 11 Vic. c. 34, §§ 110-115 (Towns Improvement Clauses Act, 1847).

buildings or parts of buildings *unfit for human habitation*,<sup>1</sup> and to prohibition of their use for such habitation :

And they may further provide for the observance of such byelaws by enacting therein such provisions as they think necessary as to the giving of notices, as to the deposit of plans and sections by persons intending to lay out streets or to construct buildings, as to inspection by the urban authority, and as to the power of such authority (subject to the provisions of this Act) to remove alter or pull down any work begun or done in contravention of such byelaws : Provided that no byelaw made under this section shall affect any building erected in any place (which at the time of the passing of this Act is included in an urban sanitary district) before the Local Government Acts came into force in such place, or any building erected in any place (which at the time of the passing of this Act is not included in an urban sanitary district) before such place becomes constituted or included in an urban district, or by virtue of an order of the Local Government Board subject to this enactment.

The provisions of this section and of the two last preceding sections shall not apply to buildings belonging to any railway company and used for the purposes of such railway under any Act of Parliament.

#### **As to Commencement of Works and Removal of Works made contrary to Byelaws.**

158. Where a notice plan or description of any work is required by any byelaw made by an urban authority to be laid before that authority, the urban authority shall, within *one month*<sup>2</sup> after the same has been delivered or sent to their surveyor or clerk, signify in writing their approval or disapproval of the intended work to the person proposing to execute the same ; and if the work is commenced after such notice of disapproval, or before the expiration of such month without such approval, and is in any respect not in conformity with any byelaw of the urban authority, the urban authority may cause so much of the work as has been executed to be pulled down or removed.

<sup>1</sup> *Vide* §§ 46 and 97, *ante* ; also 31 and 32 Vic. c. 130 (Artizans and Labourers Dwellings Act, 1865).

<sup>2</sup> *I.e.*, calendar ; *cf.* note 1, p. 34, *ante*.

Where an urban authority incur expenses in or about the removal of any work executed contrary to any byelaw such authority may recover in a *summary manner*<sup>1</sup> the amount of such expenses either from the person executing the works removed or from the person causing the work to be executed, at their discretion.

Where an urban authority may under this section pull down or remove any work begun or executed in contravention of any byelaw, or where the beginning or the execution of the work is an offence in respect whereof the offender is liable in respect of any byelaw to a penalty the existence of the work during its continuance in such a form and state as to be in contravention of the byelaw shall be deemed to be a continuing offence, but a penalty shall not be incurred in respect thereof after the expiration of *one year* from the day when the offence was committed or the byelaw was broken.

#### **What to be deemed a New Building.**

159. For the purposes of this Act the re-erecting of any building pulled down to or below the ground floor, or any frame building of which only the framework is left down to the ground floor, or the conversion into a dwelling-house of any building not originally constructed for human habitation, or the conversion into more than one dwelling-house of a building originally constructed as one dwelling-house only, shall be considered the erection of *new building*.

#### **Incorporation of certain Provisions of 10 and 11 Vic. c. 34.**

160. The provisions of the Towns Improvement Clauses Act, 1847, with respect to the following matters; (that to say,)

- (1) With respect to naming the streets and numbering the houses; and
  - (2) With respect to improving the line of the streets and removing obstructions; and
  - (3) With respect to ruinous or dangerous buildings; and
  - (4) With respect to precautions during the construction and repair of the sewers, streets and houses,
- shall, for the purpose of regulating such matters in urban districts, be incorporated with this Act.

<sup>1</sup> *Vide* § 251, *post*.

Notices for alterations under §§ 69, 70, and 71, directions under § 73, and orders under § 74 of the said Towns Improvement Clauses Act, may, at the option of the urban authority, be served on owners instead of occupiers, or on owners as well as occupiers, and the cost of works done under any of these sections may, when notices have been so served on owners, be recovered from owners instead of occupiers; and when such cost is recovered from occupiers so much thereof may be deducted from the rent of the premises where the work is done as is allowed in the case of private improvement rates under this Act.

**PUBLIC PLEASURE GROUNDS, ETC.**

**Urban Authority may provide Places of Public Recreation.**

164. Any *urban* authority may *purchase*<sup>2</sup> or take on lease lay out plant improve and maintain lands for the purpose of being used as public walks or pleasure grounds, and may support or contribute to the support of public walks or pleasure grounds provided by any person whomsoever.

Any urban authority may make byelaws for the regulation of any such public walk or pleasure ground, and may by such byelaws provide for the removal from such public walk or pleasure ground of any person infringing any such byelaw by any officer of the urban authority or constable.

**Urban Authority may provide Public Clocks.**

165. Any urban authority may from time to time provide such clocks as they consider necessary, and cause them to be fixed on or against any public building, or, with the consent of the owner or occupier, on or against any private building the situation of which may be convenient for that purpose, and may cause the dials thereof to be lighted at night, and may from time to time alter and remove any such clocks to such other like situation as they may consider expedient.

**MARKETS AND SLAUGHTER-HOUSES.**

**Urban Authority may provide Markets.**

166. Where an urban authority are a local board or improvement commissioners they shall have power, with the

<sup>2</sup> As to purchasing land, *vide* §§ 175 and 176, post.



consent of the *owners*<sup>1</sup> and ratepayers of their district, expressed by resolution passed in manner provided in Schedule III. to this Act, and where the urban authority are a town council they shall have power, with the consent of *two-thirds* of their number, to do the following things or any of them, *within* their district :

To provide a market place, and construct a market house and other conveniences, for the purpose of holding markets :

To provide houses and places for weighing carts :

To make convenient approaches to such market :

To provide all such matters and things as may be necessary for the convenient use of such market :

To purchase or take on lease land, and public or private rights in markets and tolls for any of the foregoing purposes :

To take stallages rents and tolls in respect of the use by any person of such market :

But no market shall be established in pursuance of this section so as to interfere with any rights powers or privileges enjoyed within the district by any *person*<sup>2</sup> without his consent.

### **Incorporation of Provisions of 10 and 11 Vic. c. 14, as to Markets.**

167. For the purpose of enabling any urban authority to establish or to regulate markets, there shall be incorporated with this Act the provisions of the Markets and Fairs Clauses Act, 1847, in so far as the same relate to markets ; (that is to say,)

With respect to the holding of the market or fair, and the protection thereof ; and

With respect to the weighing goods and carts ; and

With respect to the stallages rents and tolls :

Provided that all *tolls* leviable by an urban authority in pursuance of *this section*<sup>3</sup> shall be approved by the Local Government Board.

An urban authority may with respect to any market belonging to them make *byelaws*<sup>4</sup> for any of the purposes

<sup>1</sup> *Vide* definition, § 4, *ante*.

<sup>2</sup> *Vide* definition, § 4, *ante*.

<sup>3</sup> This is a mistake for 'the preceding' section.

<sup>4</sup> As to the making, confirmation and publishing of byelaws, *vide* §§ 182-186 ; as to enforcement of, *vide* § 251.

mentioned in section forty-two of the Markets and Fairs Clauses Act, 1847, so far as those purposes relate to *markets*,<sup>1</sup> and printed copies of any byelaws so made shall be conspicuously exhibited in the *market*.

### **Power for Sale of undertaking of Market Company to Urban Authority.**

168. Any urban authority may purchase, and the Directors of any market company, in pursuance, in the case of a company registered under the Companies Act, 1862, of a special resolution of the members passed in manner provided by that Act, and in the case of any other company, of a resolution passed by a majority of three-fourths in number and value of the members present, either personally or by proxy, at a meeting specially convened with notice of the business to be transacted, may sell and transfer to any urban authority, on such terms as may be agreed on between the company and the urban authority, all the rights powers and privileges and all or any of the markets premises and things which at the time of such purchase are the property of the company, but subject to all liabilities attached to the same at the time of such purchase.

### **Power to provide Slaughter-houses.**

169. Any urban authority may, *if they think fit*, provide slaughter-houses, and they shall make byelaws with respect to the management and charges for the use of any *slaughter-houses*<sup>2</sup> so provided.

For the purpose of enabling any urban authority to regulate slaughter-houses within their district the provisions of the Towns Improvement Clauses Act, 1847, with respect to *slaughter-houses* shall be incorporated with this Act.

Nothing in this section shall prejudice or affect any rights powers or privileges of any persons incorporated by any local Act passed before the passing of the Public Health Act, 1848, for the purpose of making and maintaining slaughter-houses.

<sup>1</sup> No reference to fairs.

<sup>2</sup> *Vide* definition, § 4 *ante*.

**Notice to be affixed on Slaughter-houses.**

170. The owner or occupier of any slaughter-house licensed or registered under this Act, shall within one month after the licensing or registration of the premises, affix, and shall keep undefaced and legible on some conspicuous place on the premises, a notice with the words 'Licensed slaughter-house,' or 'Registered slaughter-house,' as the case may be.

Any person who makes default in this respect, or who neglects or refuses to affix or renew such notice after requisition in writing from the urban authority, shall be liable to a penalty not exceeding five pounds for every such offence, and of ten shillings for every day during which such offence continues after conviction.

\* \* \* \* \*

**OFFICERS AND CONDUCT OF BUSINESS OF LOCAL AUTHORITIES.**

**OFFICERS OF LOCAL AUTHORITIES.**

**Appointment of Officers of Urban Authority.**

189. Every *urban* authority shall<sup>1</sup> from time to time appoint fit and proper persons to be medical officer of health, surveyor, inspector of nuisances, clerk, and treasurer : Provided that if any such authority is empowered by any other Act in force within their district to appoint any such officer, this enactment shall be deemed to be satisfied by the employment under this Act of the officer so appointed, with such additional remuneration as they think fit, and no second appointment shall be made under this Act. Every urban authority shall also appoint or employ such assistants collectors and other officers and servants as may be necessary and proper for the efficient execution of this Act, and may make regulations with respect to the duties and conduct of the officers and servants so appointed or employed.

Subject, in the case of officers any portion of whose salary is paid out of moneys voted by Parliament, to the powers of the Local Government Board under this Act, the urban authority may pay to the officers and servants

<sup>1</sup> Imperative.

so appointed or employed such reasonable salaries wages or allowances as the urban authority may think proper ; and, subject as aforesaid, every such officer and servant appointed under this Act shall be removable by the urban authority at their pleasure.

### **Appointment of Officers of Rural Authority.**

190. Every rural authority *shall*<sup>1</sup> from time to time appoint fit and proper persons to be medical officer or officers of health, and inspector or inspectors of nuisances ; they shall also appoint such assistants and other officers and servants as may be necessary and proper for the efficient execution of this Act.

There may be awarded to the clerk and treasurer of the guardians of any union, in respect of the additional duties of such officers under this Act, such remuneration as the rural authority may, with the approval of the Local Government Board, determine. If the clerk of the union is unable or unwilling to undertake such additional duties, the assistant clerk of the union shall be appointed to discharge the same, with such remuneration as aforesaid.

### **As to Medical Officer of Health, etc.**

191. A person shall not be appointed medical officer of health under this Act unless he is a *legally qualified medical practitioner*<sup>2</sup>; and the Local Government Board shall have the same powers as it has in the case of a district medical officer of a union with regard to the qualification appointment duties salary and tenure of office of a medical officer of health or other officer of a local authority any portion of whose salary is paid out of moneys voted by Parliament,<sup>3</sup> and may by order prescribe the

<sup>1</sup> Imperative.

<sup>2</sup> *I.e.*, registered under 20 and 22 Vic. c. 90. The Public Health Act, 1872, did not prescribe duties of M.O.H., and Local Government Board had no jurisdiction except where part of his salary was paid by it. This Act gives power to the Board to prescribe his duties and qualifications, even though it pay no part of his salary. At first the Board did not require reports from M.O.H.'s to whose salaries it contributed nothing, now it does. A M.O.H. may exercise any of the powers of the inspector of nuisances, as stated in certain sections of the Act, viz., §§ 36, 41, 49, 116, 118 and 119, in which the inspector is specially mentioned.

<sup>3</sup> *Vide* general order of Local Government Board, p. 149.

qualification and *duties of other medical officers* of health appointed under this Act.

The same person may, with the sanction of the Local Government Board, be appointed medical officer of health or inspector of nuisances for two or more districts, by the local authorities of such districts ; and the Local Government Board shall by order prescribe the mode of such appointment, and the proportions in which the expenses of such appointment and the salary and charges of such officer shall be borne by such authorities.

Any district medical officer of a union may, with the sanction of the Local Government Board and subject to such conditions as the said Board may prescribe, be appointed a medical officer of health ; and a medical officer of health *may exercise*<sup>†</sup> any of the powers with which an inspector of nuisances is invested by this Act.

In case of illness or incapacity of the medical officer of health a *local authority may appoint and pay a deputy medical officer*, subject to the approval of the Local Government Board.

### **Offices tenable by same Persons.**

192. The same person may be both surveyor and inspector of nuisances ; but neither the person holding the office of treasurer, nor his partner, nor any person in the service or employ of them or either of them, shall be eligible to hold or shall in any manner assist or officiate in the office of clerk ; and neither the person holding the office of clerk, nor his partner, nor any person in the service or employ of them or either of them, shall be eligible to hold or shall in any manner assist or officiate in the office of treasurer.

Any person offending against this enactment shall forfeit and pay the sum of one hundred pounds, which may be recovered by any person, with full costs of suit, by action of debt.

<sup>†</sup> This authorizes the medical officer of health to exercise the powers of an inspector of nuisances. The inspector of nuisances is bound, in certain sections of this Act, to perform certain duties ; the medical officer of health *may*, in his discretion as the superior officer of the department, perform them himself.

**Officers not to Contract with Local Authority.**

193. Officers or servants appointed or employed under his Act by the local authority shall not in anywise be concerned or interested in any bargain or contract made with such authority for any of the purposes of this Act.

If any such officer or servant is so concerned or interested, or, under colour of his office or employment, exacts or accepts any fee or reward whatsoever other than his proper salary wages and allowances, he shall be incapable of afterwards holding or continuing in any office or employment under this Act, and shall forfeit and pay the sum of fifty pounds, which may be recovered by any person, with full costs of suit, by action of debt.

**Officers intrusted with Money to give Security.**

194. Before any officer or servant of a local authority enters on any office or employment under this Act by reason whereof he will or may be intrusted with the custody or control of money, the local authority by whom he is appointed shall take from him sufficient security for the faithful execution of such office or employment, and for duly accounting for all moneys which may be intrusted to him by reason thereof.

**Officers to Account.**

195. *Every officer and servant* appointed or employed under this Act by a local authority *shall*, when and in such manner as may be required by such authority, *make out and deliver to them a true and perfect account in writing of all moneys received* by him for the purposes of his Act, stating how, and to whom, and for what purposes such moneys have been disposed of, and shall, together with such account, deliver the vouchers or receipts for all payments made by him, and pay over to the treasurer all moneys owing by him on the balance of accounts.

And every such officer or servant employed in the collection of any rate made under this Act shall, within seven days after he has received any moneys on account of any such rate, pay over the same to the treasurer, and

shall, as and when the local authority may direct, deliver a list signed by him and containing the names of all persons who have neglected or refused to pay any such rate, and the sums respectively due from them.

**Summary Proceedings against Defaulting Officers.**

196. If any officer or servant appointed or employed under this Act by a local authority—

Fails to render accounts, or to produce and deliver up vouchers and receipts, or to pay over any moneys, as and when required by this Act, or

Fails within five days after written notice in that behalf from the local authority to deliver up to the local authority all books papers writings property and things in his possession or power, relating to the execution of this Act, or belonging to such authority,

the local authority may complain to any justice, and such justice shall thereupon summon the party charged to appear before a court of summary jurisdiction.

**MODE OF CONDUCTING BUSINESS.**

**Urban Authority to provide Offices.**

197. Every *urban* authority shall<sup>†</sup> from time to time provide and maintain such offices as may be necessary for transacting their business, and that of their officers and servants under this Act.

\* \* \* \* \*

**Local Authority to Report.**

206. Every local authority shall make an annual report, in such form and at such time as the Local Government Board may from time to time direct, of all works executed, and of all sums received and disbursements made by them under and for the purposes of this Act during the preceding year, and shall send a copy to the Local Government Board: An *urban* authority shall also publish a copy in some local newspaper circulating in their district.

<sup>†</sup> This is imperative, but local authority will have discretion as to requirements.

*Selected Sections from*

**PART VII.**

**LEGAL PROCEEDINGS.**

**PROSECUTION OF OFFENCES AND RECOVERY OF  
PENALTIES, ETC.**

**Summary Proceedings for Offences, Penalties, etc.**

251. All offences under this Act, and all penalties forfeitures costs and expenses under this Act directed to be covered in a summary manner, or the recovery of which not otherwise provided for, may be prosecuted and covered in manner directed by *the Summary Jurisdiction Acts*<sup>1</sup> before a court of summary jurisdiction. The court of summary jurisdiction, when hearing and determining an information or complaint under this Act, shall be constituted of two or more justices of the peace petty sessions, sitting at a place appointed for holding petty sessions, or of some magistrate or officer for the time being empowered by law to do alone any act authorized to be done by more than one justice of the peace sitting at some court or other place appointed for administration of justice.

**General Provisions as to Summary Proceedings.**

252. Any complaint or information made or laid in pursuance of this Act shall be made or laid within six months from the time when the matter of such complaint information respectively arose.

\* \* \* \* \*

**Proceedings in certain cases against Nuisances.**

255. Where any nuisance under this Act appears to be wholly or partially caused by the acts or defaults of two or more persons, it shall be lawful for the local authority or other complainant to institute proceedings against *any one* such persons, or to include all or any two or more of such persons in one proceeding; and *any one or more of such persons may be ordered to abate* such nuisance, so far

<sup>1</sup> *Vide* definition, § 4, *ante*.



as the same appears to the court having cognizance of the case to be caused by his or their acts or defaults, or may be prohibited from continuing any acts or defaults which, in the opinion of such court, contribute to such nuisance, or *may be fined or otherwise punished, notwithstanding that the acts or defaults of any one of such persons would not separately have caused a nuisance*;<sup>1</sup> and the costs may be distributed as to such court may appear fair and reasonable.

Proceedings against several persons included in one complaint shall not abate by reason of the death of any among the persons so included, but all such proceedings may be carried on as if the deceased person had not been originally so included.

Whenever in any proceeding under the provisions of this Act relating to nuisances, whether written or otherwise, it becomes necessary to mention or refer to the owner or occupier of any premises, it shall be sufficient to designate him as the 'owner' or 'occupier' of such premises, without name or further description.

Nothing in this section shall prevent persons proceeding against from recovering contribution in any case in which they would now be entitled to contribution by law.

### **Recovery of Expenses by Local Authority from Owners.**

257. Where any local authority have incurred expenses for the repayment whereof the owner of the premises for or in respect of which the same are incurred is made liable under this Act or by any agreement with the local authority, such expenses may be recovered, together with interest at a rate not exceeding five pounds per centum per annum, from the date of service of a demand for the same till payment thereof, from any person who is the owner of such premises when the works are completed for which such expenses have been incurred, and until recovery of such expenses and interest the same shall be a charge

<sup>1</sup> Although it appears harsh that under this section a person whose act would not have caused a nuisance is liable to punishment, still, it being frequently almost impossible to prove that the separate contribution of the party accused would alone cause a substantial nuisance, some such provision as that in this section is required.

on the premises in respect of which they were incurred. In all summary proceedings by a local authority for the recovery of expenses incurred by them in works of private improvement, the time within which such proceedings may be taken shall be reckoned from the date of the service of notice of demand.

Where such expenses have been settled and apportioned by the surveyor of the local authority as payable by such owner, such apportionment shall be binding and conclusive on such owner, unless within three months from service of notice on him by the local authority or their surveyor of the amount settled by the surveyor to be due from such owner, he shall by written notice dispute the same.

The local authority may, by order, declare any such expenses to be payable by annual instalments within a period not exceeding thirty years, with interest at a rate not exceeding five pounds per centum per annum, until the whole amount is paid; and any such instalments and interest, or any part thereof, may be recovered in a summary manner from the owner or occupier for the time being of such premises, and may be deducted from the rent of such premises, in the same proportions as are allowed in the case of private improvement rates under this Act.

\* \* \* \* \*

### **Appearance of Local Authorities in Legal Proceedings.**

259. Any local authority may appear before any court, or in any legal proceeding by their clerk, or by any officer or member *authorized generally or in respect of any special proceeding by resolution of such authority*, and their clerk, or any officer or member so authorized shall be at liberty to institute and carry on any proceeding which the local authority is authorized to institute and carry on under this Act.

\* \* \* \* \*

### **False Evidence Punishable as Perjury.**

263. Any person who on any examination on oath, under any of the provisions of this Act, wilfully and corruptly gives false evidence shall be liable to the penalties inflicted on persons guilty of wilful and corrupt perjury.

### **Notice of Action against Local Authority, etc.**

264. A writ or process shall not be sued out against or served on any local authority, or any member thereof, or any officer of a local authority, or person acting in his aid, for anything done or intended to be done or omitted to be done under the provisions of this Act, until the expiration of one month after notice in writing has been served on such local authority member officer or person clearly stating the cause of action, and the name and place of abode of the intended plaintiff, and of his attorney or agent in the cause; and on the trial of any such action the plaintiff shall not be permitted to go into evidence of any cause of action which is not stated in the notice so served; and unless such notice is proved the jury shall find for the defendant.

Every such action shall be commenced within six months next after the accruing of the cause of action, and not afterwards, and shall be tried in the county or place where the cause of action occurred, and not elsewhere.

Any person to whom any such notice of action is given as aforesaid may tender amends to the plaintiff his attorney or agent, at any time within one month after service of such notice, and, in case the same be not accepted, may plead such tender in bar; and in case amends have not been tendered as aforesaid, or in case the amends tendered are insufficient, the defendant may, by leave of the court, at any time before trial, pay into court under plea such sum of money as he may think proper; and if upon issue joined, or upon any plea pleaded for the whole action, the jury find generally for the defendant, or if the plaintiff be nonsuited or judgment be given for the defendant, then the defendant shall be entitled to full costs of suit, and have judgment accordingly.

**Protection of Local Authority and their Officers  
from Personal Liability.**

265. No matter or thing done, and no contract entered into by any local authority or joint board or port sanitary authority, and no matter or thing done by any member of any such authority or by any officer of such authority or other person whomsoever acting under the direction of such authority shall, if the matter or thing were done or the contract were entered into bona fide for the purpose of executing this Act, subject them or any of them personally to any action liability claim or demand whatsoever; and any expense incurred by any such authority member officer or other person acting as last aforesaid shall be borne and repaid out of the fund or rate applicable by such authority to the general purposes of this Act.

Provided that nothing in this section shall exempt any member of any such authority from liability to be surcharged with the amount of any payment which may be disallowed by the auditor in the accounts of such authority, and which such member authorized or joined in authorizing.

**NOTICES.**

**Notices, etc., may be Printed or Written.**

266. Notices orders and other such documents under this Act may be in writing or print, or partly in writing and partly in print; and if the same require authentication by the local authority the signature thereof by the clerk to the local authority or their surveyor or inspector of nuisances shall be sufficient authentication.

**Services of Notices.**

267. Notices orders and any other documents required or authorized to be served under this Act may be served by delivering the same to or at the residence of the person to whom they are respectively addressed, or where addressed to *the owner or occupier*<sup>1</sup> of premises by deliver-

<sup>1</sup> *Vide* definition, § 4, *ante*.

ing the same or a true copy thereof to some person on the premises, or if there is no person on the premises who can be so served by fixing the same on some conspicuous part of the premises; they may also be served by post by a prepaid letter, and if served by post shall be deemed to have been served at the time when the letter containing the same would be delivered in the ordinary course of post, and in proving such service it shall be sufficient to prove that the notice order or other document was properly addressed and put into the post.

Any notice by this Act required to be given to the owner or occupier of any premises may be addressed by the description of the 'owner' or 'occupier' of the premises (naming them) in respect of which the notice is given, without further name or description.

#### APPEAL.

#### **Appeal in certain cases to Local Government Board.**

268. Where any person deems himself aggrieved by the decision of the local authority in any case in which the local authority are empowered to recover in a summary manner any expenses incurred by them, or to declare such expenses to be private improvement expenses, he may, within twenty-one days after notice of such decision, address a memorial to the Local Government Board, stating the grounds of his complaint, and shall deliver a copy thereof to the local authority; the Local Government Board may<sup>1</sup> make such order in the matter as to the said Board may seem equitable, and the order so made shall be binding and conclusive on all parties.

Any proceedings that may have been commenced for the recovery of such expenses by the local authority shall, on the delivery to them of such copy as aforesaid, be stayed: and the Local Government Board may, if it thinks fit, by its order, direct the local authority to pay to the person so proceeded against such sum as the said Board may consider to be a just compensation for the loss damage or grievance thereby sustained by him.

<sup>1</sup> Apparently the Local Government Board is not compelled to act.

**Appeal to Quarter Sessions.**

269. Where any person deems himself aggrieved by any rate made under the provisions of this Act, or by any order conviction judgment or determination of or by any matter or thing done by any *court of summary jurisdiction*,<sup>1</sup> such person may appeal therefrom, subject to the conditions and regulations following :

- (1) The appeal shall be made to the next court of quarter sessions for the county division or place in which the cause of appeal has arisen, holden not less than twenty-one days after the demand of the rate or the decision of the court from which the appeal is made :
- (2) The appellant shall, within fourteen days after the cause of appeal has arisen, give notice to the other party and to the authority or court of summary jurisdiction by whose act he deems himself aggrieved, of his intention to appeal, and of the ground thereof :
- (3) The appellant shall, immediately after such notice, enter into a recognizance before a justice of the peace, with two sufficient sureties, conditioned personally to try such appeal, and to abide the judgment of the court thereon, and to pay such costs as may be awarded by the court, or give such other security by deposit of money or otherwise as the justice may allow :
- (4) Where the appellant is in custody the justice may, on the appellant entering into such recognizance or giving such other security as aforesaid, release him from custody :
- (5) On appeals under this Act against any rate the court of appeal shall have the same power to amend or quash any rate or assessment, and to award costs between the parties to the appeal, as is or may by law be vested in any court of quarter sessions with respect to amending or quashing any rate or assessment, or awarding costs, or appeals with respect to rates for the relief of the poor ; and the costs awarded by the said court under this Act may be recovered in

<sup>1</sup> *Vide* definition, § 4, *ante*.

the same manner in all respects as costs awarded on the last-mentioned appeals: Provided that, notwithstanding the quashing of any rate appealed against, all moneys charged by such rate shall, if the court of appeal think fit so to order, be levied as if no appeal had been made, and such moneys, when paid, shall be taken as payment on account of the next effective rate for the purposes in respect of which the quashed rate was made:

- (6) In the case of other appeals the court of appeal may if it thinks fit adjourn the appeal, and on the hearing thereof may confirm reverse or modify the decision of the court of summary jurisdiction, or remit the matter to the court of summary jurisdiction with the opinion of the court of appeal thereon, or make such other order in the matter as the court thinks just. The court of appeal may also make such order as to costs to be paid by either party as the court thinks just:
- (7) The decision of the court of appeal shall be binding on all parties: Provided that the court of appeal may, if such court thinks fit, state the facts specially for the determination of a superior court.

\* \* \* \* \*

*Selected Sections from*

**PART IX.**

**LOCAL GOVERNMENT BOARD.**

**INQUIRIES BY BOARD.**

**Power of Board to direct Inquiries.**

293. The Local Government Board may from time to time cause to be made such inquiries as are directed by this Act, and such inquiries *as they see fit* in relation to any matters *concerning the public health in any place,*<sup>1</sup> or

<sup>1</sup> The making of some inquiries is optional, not so with regard to matters 'to which their sanction, approval, or consent is required by this Act.' The powers here stated were given to the Privy Council

any matters with respect to which their sanction or approval or consent is required by this Act.

### Orders as to Costs of Inquiries.

294. The Local Government Board may make orders as to the costs of inquiries or proceedings instituted by, or of appeals to the said Board under this Act, and as to the parties by whom or the rates out of which such costs shall be borne; and every such order may be made a rule of one of the superior courts of law<sup>1</sup> on the application of any person named therein.

### Orders of Board under this Act.

295. All orders made by the Local Government Board in pursuance of this Act shall be binding and conclusive in respect of the matters to which they refer, and shall be published in such manner as that Board may direct.

### Power of Inspectors of Local Government Board.

296. Inspectors of the Local Government Board shall, for the purposes of any inquiry directed by the Board, have in relation to witnesses and their examination, the production of papers and accounts, and the inspection of places and matters required to be inspected, similar powers to those which poor law inspectors<sup>2</sup> have under the Acts relating to the relief of the poor for the purposes of those Acts.

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### POWER OF BOARD TO ENFORCE PERFORMANCE OF DUTY BY DEFAULTING LOCAL AUTHORITY.

#### Proceedings on Complaint to Board of Default of Local Authority.

299. Where complaint is made to the Local Government Board that a local authority has made *default in*

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<sup>1</sup> 21 and 22 Vic. c. 97, § 3, and transferred to the Local Government Board by 34 and 35 Vic. c. 70.

<sup>2</sup> One of the divisions of the High Court of Justice.

<sup>3</sup> Such inspectors have power to take evidence from willing or unwilling witnesses on oath, or, if they prefer, with a formal signature declaring the truth of the evidence given; but no person need go more than ten miles to give evidence.



*providing their district with sufficient sewers, or in the maintenance of existing sewers, or in providing their district with a supply of water, in cases where danger arises to the health of the inhabitants from the insufficiency or unwholesomeness of the existing supply of water, and a proper supply can be got at a reasonable cost, or that a local authority has made default in enforcing any provisions of this Act which it is their duty to enforce, the Local Government Board, if satisfied, after due inquiry, that the authority has been guilty of the alleged default, shall make an order limiting a time for the performance of their duty in the matter of such complaint. If such duty is not performed by the time limited in the order, such order may be enforced by writ of Mandamus, or the Local Government Board may appoint some person to perform such duty, and shall by order direct that the expenses of performing the same, together with a reasonable remuneration to the person appointed for superintending such performance, and amounting to a sum specified in the order, together with the costs of the proceedings, shall be paid by the authority in default ; and any order made for the payment of such expenses and costs may be removed into the Court of Queen's Bench, and be enforced in the same manner as if the same were an order of such Court.*

Any person appointed under this section to perform the duty of a defaulting local authority shall, in the performance and for the purposes of such duty, be invested with all the powers of such authority other than (save as herein-after provided) the powers of levying rates ; and the Local Government Board may from time to time by order change any person so appointed.

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*Selected Sections from*

**PART X.**

MISCELLANEOUS AND TEMPORARY  
PROVISIONS.

MISCELLANEOUS.

**Entry on Lands for Purposes of Act.**

305. Whenever it becomes necessary for a local authority or any of their officers to enter examine or lay

open any lands or premises for the purpose of making plans surveying measuring taking levels making keeping in repair or examining works, *ascertaining the course of sewers or drains*, or ascertaining or fixing boundaries, and the owner or occupier of such lands or premises refuses to permit the same to be entered upon examined or laid open for the purposes aforesaid or any of them, the local authority may, *after written notice* to such owner or occupier, apply to a court of summary jurisdiction for an order authorizing the local authority to enter examine and lay open the said lands and premises for the purposes aforesaid or any of them.

*If no sufficient cause is shown against the application* the court may make an order accordingly, and on such order being made the local authority or any of their officers may, *at all reasonable times between the hours of nine in the forenoon and six in the afternoon*, enter examine or lay open the lands or premises mentioned in such order, for such of the said purposes as are therein specified, without being subject to any action or molestation for so doing: Provided that, *except in case of emergency, no entry shall be made or works commenced under this section unless at least twenty-four hours' notice* of the intended entry, and of the object thereof, be given to the occupier<sup>1</sup> of the premises intended to be entered.

### Penalty on Obstructing Execution of Act.

306. Any person who wilfully obstructs any member of the local authority, or any person duly employed in the execution of this Act, or who destroys pulls down injures or defaces any board on which any byelaw notice or other matter is inscribed, shall, if the same was put up by authority of the Local Government Board or of the local authority, be liable for every such offence to a *penalty* not exceeding *five pounds*.

Where the occupier of any premises prevents the owner hereof from obeying or carrying into effect any provisions of this Act, any justice to whom application is made in his behalf shall, *by order*<sup>2</sup> in writing, require such occu-

<sup>1</sup> If there is no occupier, *vide* § 94, *ante*.

<sup>2</sup> A justice having once put his sign and seal to the documents, *et.*, made an order, cannot afterwards amend it.

pier to permit the execution of any works required to be executed, provided that the same appear to such justice to be necessary for the purpose of obeying or carrying into effect the provisions of this Act; and if within twenty-four hours after the making of the order such occupier fails to comply therewith, he shall be liable to a *penalty* not exceeding *five pounds* for every day during the continuance of such non-compliance.

If the occupier of any premises, when requested by or on behalf of the local authority to state the name of the owner of the premises occupied by him, refuses or wilfully omits to disclose or wilfully misstates the same, he shall (unless he shows cause to the satisfaction of the court for his refusal) be liable to a *penalty* not exceeding *five pounds*.

### **Byelaws as to Hop-pickers.<sup>1</sup>**

**314.** Any local authority may, if they think fit, make byelaws for securing the decent lodging and accommodation of persons engaged in hop-picking within the district of such authority.

<sup>1</sup> As to making byelaws, *vide* § 182, *ante*; as to enforcing them, *vide* § 251, *ante*. By 45 and 46 Vic. c. 23 (The Public Health, Fruit Pickers' Lodgings, Act, 1882), this Act (and § 314) are extended so as to include the power of making byelaws for securing the decent lodging and accommodation of persons engaged in the picking of fruit and vegetables.

## ABSTRACT OF ACTS.

*The Sale of Food and Drugs Act, 1875 (38 and 39 Vic. c. 63),  
amended by 42 and 43 Vic. c. 30, 1879.*

This Act repealed pre-existing Acts.

Under it the term '*food*' includes 'every article used as food or drink by man, *other than drugs or water.*'

'The term "*drug*" includes medicine for external or internal use.'

The following are the principal provisions :

§ 3. That no article of *food* shall be treated 'so as to render the article injurious to health, with intent that the same may be sold in that state,' under a penalty.

§ 4. Provides that no person shall treat any *drug* 'so as to affect injuriously the quality or potency of the drug with intent that the same may be sold in that state,' under a penalty.

§ 5. Provides that there shall be no penalty in the cases mentioned in §§ 4 and 5, if the defendant shows 'that he did not know' how the article of *food or drug* had been improperly treated, 'and that he could not, with reasonable diligence, have obtained that knowledge.'

§ 6. Provides that no person shall sell, *to the prejudice of the purchaser*, any article of food or any drug 'which is not of the nature, quality, and substance' asked for, under a penalty; except in certain specified cases.

§ 10. Provides for appointment of Analysts.

§ 22. The Justices may at request of either party, in a case, cause a sample to be sent for analysis to Commissioners of Inland Revenue.

§ 30. Makes special provision as to all *tea* imported as merchandise being examined by persons appointed by the Commissioners of Customs; and if the tea is found adulterated it is not to be delivered, except under special conditions sanctioned by the Commissioners.

It having been held that an adulterated sample sold to an Inspector for analysis was not sold 'to the prejudice of the purchaser,' and there having been much doubt and uncertainty as to the exact import of these words, the following Act was passed,

*Sale of Food and Drugs Act Amendment Act,  
42 and 43 Vic. c. 30, 1879.*

Provides in § 2 that this shall be no defence in a prosecution under 38 and 39 Vic. c. 63.

§ 6. Fixes the minimum strength of brandy, whisky, and rum at 25 degreés under proof, and of gin at 35.

A sample of milk may be procured 'at the place of delivery,' as well as at the sale shop (§ 3).

*Canal Boats Act, 1877 (40 and 41 Vic. c. 60).*

To Provide for the Registration and Regulation of Canal Boats used as Dwellings.

This is a short Act of 17 clauses. The question of improving the position of the canal population was prominently reported on by a Royal Commission in 1875, and this Report was in accord with the previously expressed opinion of Mr. Redgrave (Factory Inspector). It was shown that the canal population, numbering some 44,800 adults, and 72,000 children, was sunk in a wretched sanitary, moral, and educational condition. This Report led to the passing of the Act. The chief provisions are :

§ 1. Provides that after a certain date no canal boat shall be used as a dwelling unless registered, under a penalty. (By regulation of Local Government Board the date is fixed as January 1st, 1879.)

§ 2. Directs that the Local Government Board shall make Regulations, *inter alia*, for registration, preventing spread of infectious disease, promoting cleanliness, etc.

§ 4. Empowers Sanitary Authorities to take the necessary steps to prevent spread of infectious disease, and detain a boat if needful.

§ 5. Gives power of entry on board canal boats, and provides penalty for obstruction.

§ 6. Provides for education of children.

§ 7. Authorizes Local Government Board to make Regulations, *inter alia*, for fixing place to which a boat shall belong for the purposes of the Elementary Education Act.

The Local Government Board has issued two sets of Regulations, on March 20th, 1878, and May 17th, 1878.

These Regulations provide, *inter alia*, that 'the interior of any after-cabin intended to be used as a dwelling, shall contain not less than 180 cubic feet of free air space; and the interior of any fore-cabin intended to be so used shall contain not less than 80 cubic feet of free air space.'

If the boat is intended to be ordinarily used for the conveyance of offensive cargo, there shall be two substantial bulkheads provided, between the cargo and the dwelling-part, with an interspace of not under 4 inches, open to the external air, provided with a pump for the removal of liquid, and water-tight on the side next the cargo.

Should a person in a canal boat be 'seriously ill, or evidently suffering from an infectious disease,' the master must notify the facts to the sanitary authority within whose district the boat happens to be, and on arriving at his destination, to the authority within whose district it is.

To find the *gross* cubical capacity of a cabin :

1. Find the product of the height in the middle of cabin × length from bulkhead to door of opposite cupboard × width at the bulkhead.

2. Find the product of height in middle of cabin  $\times$  length from bulkhead to end of cabin at the side of the doorway  $\times$  maximum width at bulkhead.

To obtain the *net* cubical capacity certain deductions must be made from the *gross*. (*Vide* Schedule, Form A.)

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*Factory and Workshop Act, 1878 (41 Vic. c. 16).*

Under this Act provision is made, *inter alia*, for the sanitary arrangements of factories and workshops.

§ 3. A factory and a workshop shall be kept in a cleanly state and free from effluvia arising from any drain, privy, or other nuisance. A factory or workshop shall not be so overcrowded while work is carried on thereon as to be injurious to the health of the persons employed therein, and shall be ventilated in such a manner as to render harmless, so far as is practicable, all the gases, vapours, dust, or other impurities generated in the course of the manufacturing process or handicraft carried on therein that may be injurious to health.

A factory or workshop in which there is a contravention of this section shall be deemed not to be kept in conformity with this Act.

§ 4. If an Inspector observes a nuisance he 'shall give notice in writing' to the Sanitary Authority—he is authorised to take the Medical Officer of Health, or other officer of the Sanitary Authority, into a workshop or factory.

It has been held that, as a general rule, *at least* 250 cubic feet should be allowed for each *employé*.

As to the important §§ 15 and 16, *vide* note, p. 43, top, and § 101.

§ 33. For the purpose of securing the observance of the requirements of this Act as to cleanliness in every factory and workshop, the inside walls of the rooms of a factory or workshop, and all the ceilings or tops of such rooms (whether such walls, ceilings, or tops be plastered or not), and all the passages and staircases of a factory or workshop, if they have not been painted with oil or varnished once at least within seven years, shall be lime-washed once at least within every fourteen months, to date from the period when last lime-washed; and if they have been so painted or varnished, shall be washed with hot water and soap once at least within every fourteen months, to date from the period when last washed.

A factory or workshop in which there is a contravention of this section shall be deemed not to be kept in conformity with this Act.

When it appears to a Secretary of State that in any class of factories or workshops or parts thereof, the regulations in this section are not required for the purpose of securing therein the observance of the requirements of this Act as to cleanliness, or are, in reason of special circumstances inapplicable, he may if he thinks fit, by order made under this part of this Act, grant to such class of factories or workshops or parts thereof a special exception that the regulations in this section shall not apply thereto.

§ 34. Where a bakehouse is situate in any city, town, or place

containing, according to the last published census for the time being, a population of more than five thousand persons, all the inside walls of the rooms of such bakehouse, and all the ceilings or tops of such rooms (whether such walls, ceilings, or tops be plastered or not), and all the passages and staircases of such bakehouse shall either be painted with oil or varnished, or be lime-washed, or be partly painted or varnished and partly lime-washed; where painted with oil or varnished there shall be three coats of paint or varnish, and the paint or varnish shall be renewed once at least in every seven years, and shall be washed with hot water and soap once at least in every six months; where lime-washed the lime-washing shall be renewed once at least in every six months. A bakehouse in which there is any contravention of this section shall be deemed not to be kept in conformity with this Act.

§ 35. Where a bakehouse is situated in any city, town, or place containing, according to the last published census for the time being, a population of more than five thousand persons, a place on the same level with the bakehouse, and forming part of the same building, shall not be used as a sleeping place, unless it is constructed as follows; that is to say,

Unless it is effectually separated from the bakehouse by a partition extending from the floor to the ceiling; and unless there be an external glazed window of at least nine superficial feet in area, of which at least four and a half superficial feet are made to open for ventilation. Any person who lets or occupies, or continues to let or knowingly suffers to be occupied any place contrary to this section, shall be liable to a fine not exceeding, for the first offence, twenty shillings, and for every subsequent offence five pounds.

§ 101. Relieves the Local Authority of enforcing § 3 of this Act, which is to be administered by Inspectors of Factories.

The Fourth Schedule contains a list of factories and workshops taken cognizance of by the Act:

I. *Non-Textile Factories*: Print-works, bleaching and dyeing works, earthenware works, lucifer-match works, percussion-cap works, cartridge works, paperstaining works, fustian-cutting works, blast-furnaces, copper-mills, iron-mills, foundries, metal and indiarubber works, paper mills, glass works, tobacco factories, letterpress printing works, bookbinding works, flax scutch mills.

II. *Non-Textile Factories and Workshops*: Hat works, rope works, bakehouses, lace warehouses, shipbuilding yards, quarries, pit banks.

§§ 3, 33, 34 and 35 of this Act are enforceable by Local Authorities as regards *retail* bakehouses; the two former referring to *all* factories and workshops within the meaning of the Act, the two latter to bakehouses in towns with over 5,000 inhabitants.

*The Factory Act of 1883 (46 and 47 Vic. c. 53).*

Amending the Act of 1878, requires that white lead factories shall be certified by an inspector after Dec. 31, 1883 (§ 2). It also contains the following important provisions as to Bakehouses:

*Bakehouses.*

§ 15. It shall not be lawful to let or suffer to be occupied as a bakehouse, or to occupy as a bakehouse, any room or place which was not so let or occupied before the first day of June one thousand eight hundred and eighty-three, unless the following regulations are complied with :

- (i.) No watercloset, earthcloset, privy, or ashpit shall be within or communicate directly with the bakehouse ;
- (ii.) Any cistern for supplying water to the bakehouse shall be separate and distinct from any cistern for supplying water to a watercloset ;
- (iii.) No drain or pipe for carrying off fœcal or sewage matter shall have an opening within the bakehouse.

Any person who lets or suffers to be occupied or who occupies any room or place as a bakehouse in contravention of this section shall be liable, on summary conviction, to a fine not exceeding forty shillings, and to a further fine not exceeding five shillings for every day during which any room or place is so occupied after a conviction under this section.

§ 16. Where a court of summary jurisdiction is satisfied on the prosecution of an inspector or a local authority that any room or place used as a bakehouse (whether the same was or was not so used before the passing of this Act) is in such a state as to be on sanitary grounds unfit for use or occupation as a bakehouse, the occupier of the bakehouse shall be liable, on summary conviction, to a fine not exceeding forty shillings, and on a second or any subsequent conviction, not exceeding five pounds.

The court of summary jurisdiction, in addition to or instead of inflicting such fine, may order means to be adopted by the occupier, within the time named in the order, for the purpose of removing the ground of complaint. The court, may, upon application, enlarge the time so named, but if, after the expiration of the time as originally named or enlarged by subsequent order, the order is not complied with, the occupier shall be liable to a fine not exceeding one pound for every day that such non-compliance continues.

§ 17. (1.) As respects every retail bakehouse, the provisions of this part of this Act and of sections three, thirty-three, thirty-four, and thirty-five of the Factory and Workshop Act, 1878 (which relate to cleanliness, ventilation, overcrowding, and other sanitary conditions), shall be enforced by the local authority of the district in which the retail bakehouse is situate, and not by an inspector under the Factory and Workshop Act, 1878 ; and for the purposes of this section the medical officer of health of the local authority shall have and exercise all such powers of entry, inspection, taking legal proceedings and otherwise, as an inspector under the Factory and Workshop Act, 1878.

(2.) If any child, young person, or woman is employed in any retail bakehouse, and the medical officer of the local authority becomes aware thereof, he shall forthwith give written notice thereof to the factory inspector for the district.



(3.) An inspector under the Factory and Workshop Act, 1878, shall not, as respects any retail bakehouse, exercise the powers of entry and inspection conferred by that Act, unless he has notice or reasonable cause to believe that a child, young person, or woman, is employed therein.

§ 18. This Act shall be construed as one with the Factory and Workshop Act, 1878 ; and in this Act, unless the context otherwise requires,

The expression 'white lead factory' includes every factory and workshop in which the manufacture of white lead is carried on :

The expression 'retail bakehouse' means any bakehouse or place, the bread, biscuits, or confectionery baked in which are not sold wholesale but by retail in some shop or place occupied together with such bakehouse :

The expression 'local authority' means, as respects the City of London and the liberties thereof, the Commissioners of Sewers ; as respects the parishes and districts mentioned in the Schedules A and B annexed to the Metropolis Management Act, 1855, and any parish to which the said Act may be extended by Order in Council in manner in the said Act provided, the vestries and district Boards elected under the said Act ; and as respects any urban sanitary district, the urban sanitary authority, and as respects any rural sanitary district, the rural sanitary authority, within the meaning of the Public Health Act, 1875.

#### *The Burial Acts.*

Eight burial Acts have been passed during the present reign, extending from 15 and 16 Vic. c. 85, to 23 and 24 Vic. c. 64.

A Town Council may by Order in Council become invested with all the powers of Burial Boards (under 16 and 17 Vic. c. 134).

The construction of any grave or vault and the burial of any body in any place of public worship in any *urban* district, after August 31st, 1848, is prohibited, under a penalty of £50.

Every householder is bound, under the common law, to provide for the decent burial of any person dying beneath his roof. The same obligation lies on the governors of hospitals or other public establishments. Hence, if friends refused to bury a body lying in an hospital or public mortuary, the Local Board would presumably have to bury. The Guardians are permitted to bury a body at the cost of the rates, under such circumstances, but are not obliged to do so, and they may refuse.

The Act 7 and 8 Vic. c. 101, § 31, empowers Guardians, or where there are none, the Overseers, 'to bury the body of any poor person which may be within their parish or union respectively, and to charge the expense thereof to any parish under their control to which such person may have been chargeable, or in which he may have died, or otherwise in which such body may be.'

*The Rivers' Pollution Prevention Act, 1876* (39 and 40 Vic. c. 75).

'The object of this Act is to make provision to prevent the pollution of rivers, and in particular prevent the establishment of new sources of pollution.' The sources of pollution are classified as : (1) Solid refuse of manufactories, manufacturing processes, and quarries, rubbish and cinders, and any other waste or putrid solid matter (§ 2); (2) Sewage (§ 3); (3) poisonous, noxious or polluting liquids from factories and manufacturing processes (§ 4); (4) poisonous, noxious or polluting, or obstructive matter from mines (§ 5).

'In proving interference with the due flow of any stream, or in proving the pollution of any stream, evidence may be given of repeated acts which together cause such interference or pollution, although each act taken by itself may not be sufficient for that purpose.'

## § 3. Provides that—

'Where any sewage matter passes into any stream along a channel used, constructed, or in process of construction at the date of the passing of this Act for the purpose of conveying such sewage matter, the person causing or knowingly permitting the sewage matter so to pass, shall not be deemed to have committed an offence against this Act if he shows to the satisfaction of the court having cognizance of the case that he is using *the best practicable and available means* to render harmless the sewage matter so falling or flowing or carried into the stream.'

The Local Government Board may allow further time to any Authority which is responsible for its sewage passing into a stream, to enable it to adopt 'the best practicable and available means for rendering harmless such sewage-matter.'

§ 4. Under this section, if a person show that he is 'using the best practicable and reasonably available means to render harmless' objectionable matter passing into a stream from a manufactory, it will be a good defence.

§ 5. Under this section the same defence will hold good in the case of objectionable matter from mines.

This defence, to a great extent, renders the Act a dead letter.

*The Public Health (Water) Act, 1878* (41 and 42 Vic. c. 25).<sup>1</sup>

An Act to amend the Public Health Act, 1875, so far as relates to the supply of Water. [4th July, 1878.]

(1) 'This Act may be cited as the Public Health (Water) Act, 1878, and shall be construed as one with the Public Health Act, 1875.'

*Duty of Rural Authority to provide or require provision of sufficient Water Supply, and Procedure for Enforcing such Requirement.*

§ 3. 'It shall be the duty of every rural Sanitary Authority, regard being had to the provisions in this Act contained, to see that

<sup>1</sup> Came into operation March 25, 1879.

every occupied dwelling-house within their district *has within a reasonable distance an available supply of wholesome water* sufficient for the consumption and use for domestic purposes of the inmates of the house.'

If the supply be insufficient, and the owner neglect to make provision, the Local Authority may (after two notices, and a minimum interval of seven months from the first notice) provide it, and charge the owner with the expenses, 'in a summary manner,' or as 'private improvement expenses.' The owner may appeal to the Local Government Board after the second notice.

Under § 6 houses in rural districts may not be erected or rebuilt without sufficient 'wholesome' water supply after the commencement of this Act, under a penalty of £10. A certificate as to the supply is to be provided by the M.O.H., or the Inspector of Nuisances ;<sup>2</sup> if certificate is refused there is right of appeal.

§ 7. Imposes on the Rural Sanitary Authority the duty of inquiring from time to time as to the condition of the water supply within their district, and authorises expenditure for this purpose. It also gives the right of entry on premises, if there is 'reasonable ground' for believing the water supply to be insufficient: and for the purposes of such entry, §§ 102 and 103 of the Public Health Act, 1875, shall apply.

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*The Artizans' and Labourers' Dwellings Improvement Act, 1875*  
(38 and 39 Vic. c. 36). (*Amended by 42 and 43 Vic. c. 63, and by 45 and 46 Vic. c. 54, and by 45 and 46 Vic. c. 54.*)

This Act was passed to facilitate the removal and reconstruction of unhealthy dwellings in the more densely populated parts of large Urban Sanitary Districts. Under its power the buildings in any unhealthy area may be demolished to make room for new streets and improved buildings, which, under special circumstances, may be constructed by the Local Authority itself (§ 9). The Act is not applicable to Urban Sanitary districts with a population under 25,000, nor to Rural Sanitary districts (§ 2).

For the purposes of the Act a Medical Officer of Health shall report, to the Local Authority, on any area, the condition of which seems to him to demand it, or if two or more Justices, or twelve or more ratepayers of the district, complain to him of the unhealthiness of the area, it shall be his duty to inspect the area and report.

If the *Local Authority* do not consider it desirable on receipt of this report to adopt its suggestions, it must send a copy of it, with

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<sup>2</sup> This is the only occasion where an Inspector of Nuisances is authorized to certify as to the wholesomeness of water supply. The fact that he is allowed to certify in place of the M.O.H. is extraordinary and unsatisfactory. To be able to judge of the quality of water requires knowledge not possessed by Inspectors of Nuisances, and is not among their duties as specified by the L.G.B.

asons for disapproval, to 'the Confirming Authority.'<sup>1</sup> If the Local Authority approve of the suggestions in the report of the L.O.H., it will prepare a scheme for the approval of 'the Confirming Authority'. If the Local Authority is satisfied 'of the sufficiency of its resources,' it 'shall pass a resolution to the effect that such rea is an unhealthy area, and that an improvement scheme ought to be made.' If the Local Authority fail to carry out a scheme when approved, 'the Confirming Authority' may step in and act.

According to the Amending Act (1879), the buildings to be erected instead of the unhealthy ones demolished, may be in 'some place other than within the area comprised in the improvement scheme.' The Local Authority is also authorised to purchase land, or use any possessions, for the erection of such buildings.

The Amending Act of 1882 contains a very important provision to be following effect: If in any place to which 45 and 46 Vic. c. 54 applies, the Medical Officer of Health finds that any building, though not itself unfit for habitation, causes any of the following disadvantages: (1) conduces to make other buildings unfit for habitation (*e.g.*, by stopping ventilation, etc.), or (2) prevents the defects in other buildings being remedied, then proceedings may be commenced or the demolition of this building.

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#### *Contagious Diseases (Animals) Acts.*

41 and 42 Vic. c. 74, 1878.

Although not directly affecting the M. O. H., the importance of be subject of this Act is so great, as indirectly affecting public health, that a reference to it is necessary.

The Act is also interesting as bringing into strong relief the great value placed on the life of animals as compared with that of man; the minuteness of the precautions and the stringency of the sanitary measures being very noticeable. Professor Fleming estimates the loss incurred through pleuro-pneumonia and cattle-plague, from 1839 to 1870, as £100,000,000. What was the pecuniary loss caused by deaths among human beings from preventible disease in the same period?

The Act is divided into four parts: I., General; II., England; III., Scotland; IV., Ireland.

§§ 10-15. Deal with the duty of the Inspector on detection of cattle-plague, and of the Privy Council on learning of its existence.

§ 16. Requires the Inspector of Local Authority to report the existence of pleuro-pneumonia.

§ 22. Refers to foot-and-mouth disease, with similar provisions.

§ 28. Gives provisions as to declaration of infected place, and subsequent declaration when no longer infected.

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<sup>1</sup> The 'Confirming Authority' for the City of London or Metropolis is the Secretary of State; that for Sanitary Authorities the Local Government Board.

§ 29. Gives Privy Council authority to direct slaughter of certain animals other than those affected by cattle-plague and pleuro-pneumonia.

§ 31. Directs that persons having diseased animals shall segregate them, and give notice to constable, who shall report to person appointed by Privy Council.

§ 32. Gives Privy Council various powers, *e.g.*, to prohibit movements of animals in, into or out of infected area; to regulate isolation of animals in infected area; also the removal of carcasses in, into or out of infected area; also the destruction of carcasses, recleansing of such areas, etc.

§ 34. Gives Privy Council power to make orders relative to dairies, cow-sheds, and milk-shops, including registration with Local Authority of persons trading as purveyors of milk, for the inspection of their premises, for securing the cleanliness of the vessels used, and preventing the contamination of milk.

§ 35. Deals with prohibition of importation, slaughter or quarantine of imported cattle.

§§ 60-66. Detail procedures against persons guilty under this Act: the fines being a penalty of £20; or if in reference to more than four animals, not more than £5 for each; or if in case of carcasses, a penalty not exceeding £10 for every half ton, and after half a ton, in addition to the first penalty, of a sum not exceeding £20.

'*Public Health (Interments) Act*,' 1879 (42 and 43 Vic. c. 31).

Deals with the provision, maintenance, closing, etc., of Cemeteries by the Local Authorities.

#### *The Sale of Bread.*

By the Act 6 and 7 William IV. cap. 37, it is enacted (Sec. 4) that all bread (except French or fancy bread or rolls) must be sold by weight; and any person who shall sell or cause to be sold bread in any other manner than by weight shall be liable to a *penalty* of forty shillings.

It is also enacted (Secs. 6 and 7), that every baker or seller of bread shall have fixed in a conspicuous part of his or her shop a correct beam and scales, with proper weights; or, if selling bread from any cart or carriage, shall constantly carry such scales and weights in such cart or carriage, in order that all bread sold (except as aforesaid) may be weighed in the presence of the purchasers thereof. And any person neglecting to provide such scales and weights, or refusing to weigh any bread purchased of him, or whose scales or weights shall be found unjust, shall be liable to a *penalty* of five pounds.

HE DAIRIES, COW-SHEDS, AND MILK-SHOPS ORDER  
OF JULY, 1879.<sup>1</sup>

*At the Council Chamber, Whitehall, the 9th day of July, 1879. By the  
Lords of Her Majesty's Most Honourable Privy Council.*

Present—LORD PRESIDENT, LORD GEORGE HAMILTON.

The Lords and others of Her Majesty's Most Honourable Privy Council, by virtue and in exercise of the powers in them vested under 'The Contagious Diseases (Animals) Act, 1878,' and of every other power enabling them in this behalf, do order, and it is hereby ordered, as follows :

*Preliminary.*

1. This Order may be cited as The Dairies, Cow-Sheds, and Milk-Shops Order of July, 1879.
2. This Order extends to England and Wales and Scotland only.
3. In this Order words have the same meaning as in The Contagious Diseases (Animals) Act, 1878.

*Revocation of former Orders.*

4. The Dairies, Cow-Sheds, and Milk-Shops Order of 1879, and the Dairies, Cow-Sheds, and Milk-Shops Amendment Order of 1879, are hereby from the making of this Order revoked: but nothing herein shall invalidate or make unlawful anything done under those Orders, or either of them, before the making of this Order, or interfere with the institution or prosecution of any proceedings in respect of any offence committed against, or any penalty incurred under those Orders, or either of them.

*Construction and Water Supply of New Dairies and Cow-Sheds.*

5. (1) It shall not be lawful for any person following the trade of cow-keeper or dairyman to begin to occupy<sup>2</sup> as a dairy or cow-shed any building not so occupied at the making of this Order, unless until he first makes provision, to the reasonable satisfaction of the Local Authority, for the lighting, and the ventilation, including the space, and the cleansing, drainage, and water-supply of the same, while occupied as a dairy or cow-shed.

(2) It shall not be lawful for any such person to begin so to occupy any such building without first giving one month's notice in writing to the Local Authority of his intention so to do.

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<sup>1</sup> A Bill was introduced by the Government in 1883, transferring the L.G.B. the powers exercised by the Privy Council, as to dairies and Cow-sheds, but after passing the House of Lords, it was lost in 'the sacrifice of the innocents.' An Act to this effect is much required.

<sup>2</sup> It is a hardship that the occupier alone should be responsible for the construction of these places. The owner should be responsible for the proper construction and necessary alterations.

*Sanitary State of all Dairies and Cow-Sheds.*

6. It shall not be lawful for any person following the trade of cow-keeper or dairyman to occupy as a dairy or cow-shed any building, whether so occupied at the making of this Order, or not, if and as long as the lighting, and the ventilation, including air-space, and the cleansing, drainage, and water-supply thereof, are not such as are necessary or proper—

- (a) For the health and good condition of the cattle therein; and
- (b) For the cleanliness of milk-vessels used therein for containing milk for sale; and
- (c) For the protection of the milk therein against infection and contamination.

*Cleansing of Dairies, Cow-Sheds, Milk-Stores, Milk-Shops and Milk-Vessels.*

7. A Local Authority may, from time to time, make regulations for prescribing and regulating the cleansing of dairies and cow-sheds in the occupation of persons following the trade of cow-keepers or dairymen, and the cleansing of milk-stores, milk-shops, and milk-vessels used for containing milk for sale by such persons.

*Contamination of Milk.*

8. If at any time disease exists among the cattle in a dairy or cow-shed, or other building or place, the milk of a diseased cow therein—

- (a) Shall not be mixed with other milk; and
- (b) Shall not be sold or used for human food; and
- (c) Shall not be sold or used for food of swine, or other animals, unless and until it has been boiled.

9. It shall not be lawful for any person following the trade of cow-keeper, or dairyman, or purveyor of milk, or being the occupier of a milk-store or milk-shop—

- (1) To allow any person suffering from a dangerous infectious disorder, or having recently been in contact with a person so suffering, to milk cows or to handle vessels used for containing milk for sale, or in any way to take part or assist in the conduct of the trade or business of the cow-keeper or dairyman, purveyor of milk, or occupier of a milk-store, or milk-shop, as far as regards the production, distribution, or storage of milk; or
- (2) If himself so suffering or having recently been in contact as aforesaid, to milk cows, or handle vessels used for containing milk for sale, or in any way take part in the conduct of his trade or business, as far as regards the production, distribution, or storage of milk—

Until in each case all danger therefrom of the communication of infection to the milk or of its contamination has ceased.

10. It shall not be lawful for any person following the trade of cow-keeper, or dairyman or purveyor of milk, or being the occupier of a milk-store or milk-shop, to use a milk-store or milk-shop in his occupation, or permit the same to be used, for any purpose incompatible with the proper preservation of the cleanliness of the milk-store or milk-shop, and of the milk vessels and milk therein, or in any manner likely to cause contamination of the milk therein.

*Keeping of Swine.*

11. It shall not be lawful for any person following the trade of cow-keeper, or dairyman or purveyor of milk, to keep any swine in any cow-shed or other building used by him for keeping cows, or in any milk-store or other place used by him for keeping milk for sale.

*Registration of Dairymen and others.*

12. (1) Every Local Authority shall keep<sup>1</sup> a register of persons from time to time carrying on in the district of the Local Authority the trade of cow-keepers, dairymen, or purveyors of milk, and shall from time to time revise and correct the register.

(2) The Local Authority shall from time to time give public notice, by advertisement in a newspaper circulating in their district, and, if they think fit, by placards, handbills, or otherwise, of registration being required, and of the mode of registration.

(3) It shall not be lawful for any person to carry on in the district of any Local Authority, the trade of cow-keeper, dairyman, or purveyor of milk, unless he is registered as such therein.

(4) A person who carries on the trade of cow-keeper or dairyman for the purpose only of making and selling butter or cheese or both, and who does not carry on the trade of purveyor of milk, shall not, for the purposes of registration, be deemed to be a person carrying on the trade of cowkeeper or dairyman, and need not be registered.

(5) A person who sells milk of his own cows in small quantities to his workmen or neighbours, for their accommodation, shall not, for the purposes of registration, be deemed, by reason only of such selling, to be a person carrying on the trade of cow-keeper, dairyman, or purveyor of milk, and need not, by reason thereof, be registered.

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<sup>1</sup> This is a very defective section, and one even liable to do some harm. The Local Authority is obliged to register, but has no power to remove from the register.

Further it is the 'person who is registered and not his premises;' the latter may be very unfit for the sale or storage of milk and yet the person must be registered.



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### *Acts of Local Authorities.*

13. (1) All orders and regulations made by a Local Authority under the Dairies, Cow-Sheds, and Milk-Shops Order of 1879, and in force at the making of this Order shall, as far as the same are varied by or inconsistent with this Order, remain in force unaltered or revoked by the Local Authority.

(2) Forms of Registers and other forms which have been, before the making of this Order, prepared for use by a Local Authority under The Dairies, Cow-Sheds, and Milk-Shops Order of 1879 may be used, as far as they are suitable, for the purposes of this Order.

### *Scotland.*

14. Nothing in this Order shall be deemed to interfere with the operation of The Cattle Sheds in Burghs (Scotland) Act, 1866.

C. L. PEEL

Any person doing anything in contravention of the foregoing Order is liable to a *penalty* of £20, or if the offence is committed with respect to more than four animals, to a penalty not exceeding £5 for each animal. (41 and 42 Vic. c. 74, § 60.)

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### EXPOSING UNWHOLESOME MEAT FOR SALE IN A MARKET OR FAIR.

*The Markets and Fairs Clauses Act, 1847.*

(10 and 11 Vic. c. 14.)

§ 15 enacts that:—

'Every person who shall sell or expose for sale any unwholesome meat or provisions in the market or fair, shall be liable to a penalty not exceeding £5 for every such offence; and any Inspector of Provisions appointed by the undertakers [= persons authorised to construct or regulate the market or fair] may seize such unwholesome meat or provisions, and carry the same before a Justice, and the proceedings shall be had as are hereinafter directed to be had in the case of any cattle or carcase seized in any slaughter-house and carried before a Justice.'

Penalty for obstruction not to exceed £5 for every such offence.

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### *Power to Close Schools (to Prevent the Spread of Disease).*

Articles 94 and 98 of the Education Code, 1882, hereafter referred to, are among the conditions required to be fulfilled by a School order to obtain an annual parliamentary grant.

Article 98 directs that 'The Managers [of Public Elementary Schools] must comply with any notice of the Sanitary Authority of the district in which the school is situated, requiring them to close the school at a specified time, with a view to preventing the spread of disease either to close the school or to exclude any scholars from attendance subject to an appeal to the Department if they consider the notice *unreasonable*.'

The necessity that a Public Elementary School should meet 400 times during the school-year (Art. 94, b.) will not hold 'if a school has been closed during the year under medical authority on account of a local epidemic.'

The annual grant becomes due at the end of the school-year, and is paid as soon as may be after the inspection; but an instalment of the grant may be paid 'when, from an epidemic or other unavoidable cause, the inspection cannot be held within three months from the grant becoming due' (Art. 102).

#### Registration of Deaths.

Under the 'Act to amend the law relating to the Registration of Births and Deaths in England' (37 and 38 Vic. c. 88), information as to the death of every person dying in a house shall be given to the Registrar within five days next following the death, by the nearest relations, or, in default of relatives, by some person present at the death, etc.

§ 20. If the deceased has been 'attended during his last illness by a registered medical practitioner, that practitioner shall sign and give to some person required to give information concerning the death a certificate stating to the best of his knowledge and belief the cause of death' under a *penalty of forty shillings*.

In order that the Sanitary Authorities may be enabled to procure information as to the deaths within their district, the Registrars of Births and Deaths are *required* to send returns of the same, receiving remuneration for their trouble.

According to § 28 of the Births and Deaths Registration Act, 1874, 37 and 38 Vic. cap. 88,

'Every Registrar, when and as required by a Sanitary Authority, is defined by the Public Health Act, 1872, shall transmit by post or otherwise a return, certified under the hand of such Registrar to be a true return, of each of the particulars registered by him concerning any death as may be specified in the requisition of the Sanitary Authority.

The Sanitary Authority may supply a form of the prescribed character, for the purpose of the return, and in that case the return shall be made in the form so supplied.

The Registrar making such return shall be entitled to a fee of twopence, and to a further fee of twopence for every death entered in such return, which fee shall be paid by the Authority requiring the return.'

Even though the return for any given period should be a *nil* return, the Registrar will be entitled to receive a fee of twopence.

On Dec. 21st, 1858, the Registrar-General issued a circular letter to the Registrars of Births and Deaths requesting that they would *immediately* furnish him with information on the outbreak of any epidemic disease in their neighbourhood, especially typhus, phoid, infantile remittent or relapsing fever, small-pox, cholera, arrhœa, or dysentery, with a view to the adoption of measures for the protection of the public health.

*Vaccination.*

The several Acts by which it was endeavoured to secure general vaccination throughout the country were repealed by 30 and 31 Vic. c. 84, in 1867. By this Act the parents of every child born in England shall, within three months after its birth, or where in consequence of the death, illness, absence, or inability of the parent, or other cause, any other person shall have the custody of such child, such person shall, within three months after receiving the custody of the child, take it, or cause it to be taken, to the public vaccinator of the vaccination district in which it shall then be resident to be vaccinated, or shall within such period cause it to be vaccinated by some medical practitioner. Penalty for neglect. This Act was amended in 1871 by 34 and 35 Vic. c. 98, by which the guardians of every union or parish are required to appoint a vaccination officer, whose duties are similar to those imposed by the principal Act (1867) on registrars of births and deaths. By the Act of 1871 a person refusing to allow a public vaccinator to take lymph from a child he has vaccinated is rendered liable to a penalty of £1. The criminality of inoculating with small-pox enacted by 3 and 4 Vic. c. 29, is re-enacted by this Act.

*'The Infant Protection Act, 1872.'*

An Act for the better protection of Infant Life, 35 & 36 Vic. c. 38.

This important Act has not received the attention it deserves, and but few Local Authorities have availed themselves of the powers conferred on them by the Act of supervising crèches, nurseries, and other places where infants are tended by persons not their mothers.

The principal provisions are as follow :

§ 2. 'From and after the commencement of this Act it shall not be lawful for any person to retain or receive for hire or reward in that behalf more than one infant, and in case of twins more than two infants, under the age of one year for the purpose of nursing or maintaining such infants apart from their parents for a longer period than 24 hours, except in a house which has been registered as herein provided.'

§ 3. 'The Local Authority shall cause a register to be kept in which shall be entered the name of every person applying to register any house for the purposes of this Act, and the situation of such house, and the Local Authority shall from time to time make bye-laws for fixing the number of infants who may be received into each house so registered; and the registration shall remain in force for one year; no fee shall be charged for registration. Every person who receives or retains any infant in contravention to the provisions of this Act shall be guilty of an offence against this Act.'

§ 4. Under this section the Local Authority may refuse to register unless satisfied with the character of the applicant and of the house.

§ 5. Directs the person registered to keep a register giving details as to the infants under his care.

§ 7. Empowers the Local Authority to strike names off the register.

§ 8. Directs that every death in such registered house shall be notified by the person registered to the Coroner within 24 hours, and that an inquest shall be held, unless there is a medical certificate and the Coroner is satisfied that there is no ground for holding an inquest.

§ 9. Every person guilty of an offence under this Act shall be liable to imprisonment for not more than six months, with or without hard labour, or to a penalty not exceeding £5, as a Court of Summary Jurisdiction shall decide, and shall in addition be liable to have his name and house struck off the register.

*The Alkali Acts* (26 and 27 Vic. c. 124, and 37 and 38 Vic. c. 43.)

The first of these Acts is termed 'the principal Act (for the effectual condensation of muriatic acid gas in alkali works).' It is also defined as 'The Alkali Act, 1863,' and came into force Jan. 1, 1864.

§ 3. The term 'alkali work' means 'every work for the manufacture of alkali, sulphate of soda, or sulphate of potash, in which muriatic acid gas is evolved.'

§ 4. 'Every alkali work shall be carried on in such a manner as to secure the condensation to the satisfaction of the inspector [appointed under this Act] derived from his own examination, or from that of a sub-inspector, of not less than 95 per cent of the muriatic acid gas evolved therein: Provided always, that nothing herein contained shall entitle the inspector to direct any alteration to be made in the process of manufacture or the apparatus used therein.'

The section goes on to state that if at least 95 per cent of the muriatic acid gas is not condensed, the owner shall be deemed guilty of an offence against this Act, and shall be liable for the first offence to a penalty not exceeding £50, and for every succeeding offence to a penalty not exceeding £100.

§ 5. Should the owner prove to the satisfaction of the Court that he 'used due diligence' to comply with the Act, and that the offence was committed by some agent, servant, or workman, to be charged by name, in this case the owner shall not be liable, but the actual offender.

§ 6. Under this section all alkali works are to be registered.

§ 7 provides for the appointment of inspectors by the Board of Trade.

§ 8 provides that the inspector shall report yearly to the Board of Trade, and that a copy of his report shall be laid before both Houses of Parliament.

'The Alkali Act, 1874' (37 and 38 Vic. c. 43) amends the preceding (principal) Act, and came into operation March 1, 1875. The definition of the term 'alkali work' in § 3 of the principal Act is amended as follows in § 3 of the amending Act:

'The formation of any sulphate in the treatment of copper ores by common salt or other chlorides shall be deemed to be a manufacture of sulphate of soda within the meaning of the said section.' (§ 3.)

There is a further amendment of the regulation in § 4 of the principal Act, relating to the condensation of muriatic acid gas evolved; and it is enacted that every alkali work shall be carried on so as to secure the condensation of the muriatic acid gas evolved in such work to such an extent that in each cubic foot of air, smoke, or chimney gases escaping from the work into the atmosphere there is not contained more than one fifth part of a grain of muriatic acid.

§ 5 enacts that 'the best practicable means' shall be used to prevent the discharge into the atmosphere of all other noxious gases, or of rendering such gases harmless when discharged; under a penalty of £20 for the first offence, and £50 for the second, with a further penalty of £2 for each day the offence shall continue, and in the case of a third or subsequent offence of a penalty of £20 for every day during which the offence is committed.

§ 9. "'Noxious gases" shall for the purposes of this Act mean any of the gases following, that is to say: sulphuric acid, sulphurous acid, except that arising from the combustion of coals, nitric acid or other noxious oxides of nitrogen, sulphuretted hydrogen, and chlorine.'

§ 10. 'Nothing herein contained shall legalize any act or default that would, but for this Act, be deemed to be a nuisance, or otherwise contrary to law, or deprive any person of any remedy by action, suit, indictment, or otherwise to which he would have been entitled if this Act had not been passed.'

#### *Epidemic and other Diseases Prevention Act.*

(46 and 47 Vic. c. 59.)

To make better provision to prevent epidemic, endemic, or infectious diseases, and to amend the Public Health Act, England, 1875, and the Public Health Act, Ireland, 1878.

§ 2. Whenever any part of England or of Ireland appears to be threatened with or affected by any formidable epidemic, endemic, or infectious disease, and the Local Government Board, England, under the provisions of the Public Health Act, England, 1875, or the Local Government Board, Ireland, under the provisions of the Public Health Act, Ireland, 1878, make regulations for all or any of the following purposes, namely:—

- (1) For the speedy interment of the dead.
- (2) For house to house visitation.
- (3) For the provision of medical aid and hospital accommodation, and
- (4) For the promotion of cleansing, ventilation, and disinfection, and for guarding against the spread of disease.

The purposes named in the said regulations shall be deemed to be purposes for which Sanitary Authorities may borrow money, and the *Local Authorities* in England, and the *Sanitary Authorities* in

reland, charged with the carrying out of such regulations, may borrow, and the Public Works Loan Commissioners in England, and the Board of Public Works in Ireland, may lend money to such authorities, as if such purposes were 'works,' for which loans may be granted under the Public Health Act, England, 1875, and the Public Health Act, Ireland, 1878.

Such loans may be made forthwith and without any preliminary notice or enquiry, if it appears to the Local Government Board desirable in order to the prompt and an effective execution of such regulations.

§ 3. Applies to Ireland only.

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#### HINTS AS TO MEAT.

There are many conditions which should be assumed to produce unwholesome changes in meat intended for human food, although exact proof of the dangerous effects may not be forthcoming. It is not justifiable to permit meat to be sold for food which there is strong reason to fear will be dangerous to health. When actual demonstration of the effects has been obtained, it is too late to interfere.

It is no justification for the general sale of meat presenting certain abnormal characters that under certain circumstances it has been eaten without manifest ill effects.

The health officer is justified in condemning braxy or diseased mutton, although some Scotch shepherds may regard it as a delicacy ; and mealy or trichinous pork should be always condemned, even though there were proof that pork affected with the parasites of these diseases has when cooked been eaten with impunity. The fact that many persons have escaped infection after exposure to small-pox is no justification for a person suffering from that disease exposing himself.

A careful examination should be made of animals whose flesh is intended for human food, before they are slaughtered.

The general appearance of cattle and sheep offer important indications of their state of health, and of the wholesomeness of their flesh.

*A healthy animal* generally looks sufficiently nourished, the flesh is firm and elastic, and the coat is soft, supple, often glossy, and is somewhat oily feel. The animal moves easily and without apparent pain, and its eye is bright and clear ; the mucous membrane of the nose is red, moist, and free from sordes or sores ; the tongue is not protruded or hanging from the mouth, and is moist, warm and clean ; the respiration is regular and not laboured, and the breath is very little odour ; the circulation is calm, and the body does not feel unduly hot ; the udder of healthy cows feels cool ; the excrements appear natural.

*A sick animal* has generally lost the glossiness of its coat, which is dry, rough, and harsh ; its nostrils are dry or covered with mucus ; the eye is dull, the tongue hangs from the mouth, and is

often dirty; the mouth being often dry, hot, and the respiration laboured and perhaps hurried; its movements are slow and heavy; there may be diarrhœa or extreme constipation, and scanty or bloody urine. The udder in sick cows often feels hot.

After death the viscera should always be examined, as they present characteristic marks of certain diseases, not easily recognised after they have been removed.

The liver should be carefully examined for abscesses, or distoma, the lungs for tubercle, abscesses or *strongylus filaria*. The omentum and peritoneum should also be examined, and the diaphragm in pigs, where evidence of the existence of trichinæ are often abundant.

*Reaction.*—Immediately after killing, meat has a neutral reaction, becoming acid in from 6—4 hours after death, and after violent exertion, from development of lactic acid. Hence the advantage of allowing animals at least 24 hours' rest before slaughtering (termed 'pining' or 'fasting'). The rigidity of death begins to disappear then with the commencement of decomposition.

Colour, appearance, and general characters should be neither pale red nor dark purplish; the former is a sign of disease, the latter of a natural death. Good meat has a marbled appearance, due to intestinal fat. It feels firm and elastic, and scarcely moistens the finger. Bad meat is often damp, and has serum exuding from it. The smell of good meat is faint and not unpleasant. No serum or pus should be found in the cellular tissue between the muscles.

Meat should be regarded as unfit for food if—

(1) Of animals which have died of an internal disease, or have been slaughtered while suffering from disease.

(2) Of animals which have died in consequence of excessive exertion and exhaustion. The blood of such animals is blackish red, and rapidly becomes putrid.

(3) Of animals with infectious diseases communicable to man. Among these are anthrax, malignant pustule or splenic fever, splenic apoplexy or braxy of sheep, hydrophobia, glanders, pock, foot and mouth disease, and tuberculosis, cattle plague (rinderpest). An animal recently bitten by a rabid animal should not be slaughtered for food.

(4) Of animals poisoned, whether by accidentally eating poisonous herbs, or by drugs. Animals which have been a long time under veterinary care may have absorbed quantities of mercury, lead, copper, arsenic, antimony, or other poisonous drugs, sufficient to render their flesh dangerous.

(5) Of animals which have died of pyæmia, septicæmia, typhoid or typhus fever, erysipelas or other disease of the same type. Cows often suffer from pyæmia after calving, and calves from gangrene of the navel.

(6) Of animals suffering from parasites which undergo metamorphosis in man, *e.g.*, *trichina spiralis*, and *cysticercus cellulosæ* of the pig (producing *tænia soluris*), or of the cow and ox, producing *tænia mediocanellata*, or the fluke of sheep producing echinococcus disease.

(7) Of animals suffering from lymphisarcoma, or other malignant

lisease. Rotten or putrid. The occurrence of putrefaction is marked in most cases by an unpleasant smell and taste, also by the pale red and brownish red colour.

(8) Of animals killed accidentally by choking or drowning, etc. Sausages also when decomposing become highly poisonous.

It should be borne in mind that there are several kinds of germs which induce putrescent changes, some apparently more injurious than others. Because venison and game are often eaten by preference when 'high' or partly decomposed, it is no reason why fowl or nutton should be sold in the same condition, nor is it any proof that here are not some forms of decomposition of venison and game which may be very injurious.

Meat which has been exposed to the influence of sewer-gas, manure, rotten meat, or emanations from decomposing organic matter.

The evidence in the Welbeck meat-poisoning case showed that meat may become highly poisonous in this way.

#### HINTS AS TO FISH.

When fish has become unfit for food the bright red gills become pale, the eyes dull and lustreless, the flesh soft and easily pitted by pressure with the finger, the scales fall off, and generally the smell is unpleasant. The stiffness and rigidity caused by the continuance of the *rigor mortis* is a proof of freshness.

#### SLAUGHTER-HOUSES AND KNACKERS' YARDS.

(a) SLAUGHTER-HOUSES for animals intended for human food.

Licenses for Slaughter-houses (and Knackers' yards) brought into use after the passing of the Special Act, are obtainable under the Towns Improvement Clauses Act, 1847 (10 and 11 Vic. c. 34), §§ 125—7, which are as follows:—

§ 125. 'The Commissioners may license such slaughter-houses and knackers' yards as they may from time to time think proper for slaughtering cattle within the limits of the Special Act.'

§ 126. 'No place shall be used or occupied as a slaughter-house or knacker's yard within the said limits' [*i.e.*, the district of a Local Authority] 'which was not in such use and occupation at the time of the passing of the Special Act,' [*i.e.*, the Act incorporating the Towns Improvement Clauses Act] 'and has so continued ever since, unless and until a license for the erection thereof or for the use and occupation thereof as a slaughter-house or knacker's yard have been obtained from the Commissioners,' [*i.e.*, the Local Authority] 'and every person who, without having obtained such license as aforesaid, uses as a slaughter-house or knacker's yard any place within the said limits, not used as such at the passing of the Special Act, and so continued to be used ever since, shall for each offence be liable to a penalty not exceeding £5, and a like penalty for every day after the conviction for such offence upon which the said offence is continued.'

§ 127. Every place within the limits of the Special Act which



shall be used as a slaughter-house or knacker's yard shall *within three months after* the passing of such Act, be registered by the owner or occupier thereof at the office of the Commissioners; and, on application to the Commissioners for that purpose, the Commissioners shall cause every such slaughter-house or knacker's yard to be registered in a book to be kept by them for that purpose.

And every person who, after the expiration of the said *three months*, and after *one week's notice* of this provision from the Commissioners, uses,<sup>1</sup> or suffers to be used, any such place as a slaughter-house or knacker's yard, without its being so registered, shall be liable to a *penalty not exceeding £5* for such offence, and a *penalty not exceeding 10s.* for every day after the first day during which such place shall be used as a slaughter-house or knacker's yard without having been so registered.

[As to notice, *vide* §§ 266—7 of the principal Act.]

Under § 129. In addition to this penalty, the Justices may suspend the license of the convicted person for a period of not over two months; and if the convicted person be the owner or proprietor of the place in reference to which the conviction was obtained, they may forbid the slaughtering of cattle in it for any period not exceeding two months. And on conviction for a second or subsequent like offence, the license may be revoked, and the slaughtering of cattle in the place absolutely forbidden.

§ 131. Gives authority to Officers of Health, Inspectors of Nuisances, or other officers appointed for the purpose to inspect premises used for the sale of butcher's meat, or for slaughtering cattle, and also cattle and carcasses there.

Any cattle or carcass which appears unfit for human food he may seize and carry before a Justice, and the Justice shall forthwith order the same to be *further* inspected and examined by competent persons.

If the suspected articles are judged to be unfit for human food, the Justice shall order them to be immediately destroyed or otherwise disposed of so as to prevent them being used as food for man.

And the Justice may adjudge the person to whom the condemned cattle, carcass or part of a carcass *belong, or in whose custody* the same is found, to pay a *penalty* not exceeding *£10* for every animal or carcass or part of a carcass.

Any person who hinders a properly appointed officer from inspecting such premises or articles intended for food, or from seizing and carrying them away if they appear unfit for food of man, shall be liable to a *penalty* not exceeding *£5* for each offence.

#### (δ) KNACKERS' YARDS.

Licenses for knackers' yards are obtainable under the Towns Improvement Clauses Act, 1847, § 126, as above, and at Quarter

<sup>1</sup> A person who rents a place for use as an unlicensed slaughter-house is not liable for conviction under 10 and 11 Vict. c. 34, § 126 (given above).

essions, under 26 George III. c. 71, entitled 'An Act for Regulating Houses and other Places kept for the purpose of Slaughtering Horses.' The Preamble states that :—

'Whereas the practice of stealing horses, cows, and other cattle hath of late years increased to an alarming degree, and hath been greatly facilitated by certain persons of low condition who keep houses or places for the purpose of slaughtering horses and other cattle: For remedy whereof be it enacted . . . that from and after the 20th day of July, 1786, no person or persons shall keep or use any house or place for the purpose of slaughtering or killing any horse, mare, gelding, colt, filly, ass, bull, ox, cow, heifer, calf, sheep, hog, goat, or other cattle, *which shall not be killed for butcher's meat*, without first taking out a license for that purpose at the General Quarter Sessions held for the county, riding, city, town, district, division or liberty, wherein such slaughtering-houses or places shall be situate; and the Justices of the Peace, at their General Quarter Sessions assembled, are hereby authorised and empowered to grant such licenses as aforesaid upon a certificate, under the hands and seals of the minister and churchwardens or overseers, or of the minister and two or more substantial householders of the parish wherein the person or persons applying for such license shall dwell, that such person or persons is or are fit and proper persons to be trusted with the management and carrying on of such business aforesaid.'

§ 2. Enacts that every license shall be signed by the Justices at Quarter Sessions, and a copy shall be kept in a register which shall be open to inspection, on payment of a fee of sixpence, any day (except Sunday) between 10 and 12 a.m.

§ 3. Enacts that notice of the slaughtering of every animal shall be sent to the Inspector appointed by the Vestry under this Act for this purpose, of the intended slaughtering of every animal, six hours before it is carried out, and fix the hour for slaughtering.

§ 4. Enacts that a register shall be kept by the owner of the cattle, etc., brought to be slaughtered, with full particulars as to why they were so brought, etc.

§ 5. Enacts that the Vestry in every parish where a slaughter-house is situated shall 'annually or oftener, as occasion may require, appoint' one or more Inspectors of slaughter-houses, and define the duties of the Inspector.

The distinction between these Acts, presumably, is that the license under 26 G. III. c. 71 is a *personal* one only, and that a license of the Local Authority is still necessary for the erection or occupation of the knacker's yard.

§ 8. This section enacts that a person convicted, under this Act, of slaughtering without a license may be fined or imprisoned and receive public or private whipping, or be transported for not longer than seven years.

*Cholera Hospitals (Ireland), 1883.*

(46 and 47 Vic. c. 48.)

To enable Sanitary Authorities in Ireland to take land for the erection of temporary Cholera Hospitals.

*Hints as to*

## HOSPITALS FOR INFECTIOUS DISEASES.

In large towns the proportion of hospital beds should be at least 1 per 1000 of the inhabitants. Many patients should not be concentrated under one roof. They should be distributed in distinct blocks. Each distinct form of dangerous disease should be treated in a separate building.

The selection of the site is a matter of great importance. It should not be 'made' ground, and should be pure and healthy (*vide* Table of Soils in Appendix), well exposed to the sun and open to free circulation of air all round, but protected from the cold winds. If possible a large space of from eight to ten acres, well-planted with trees and shrubs, should be selected, and offering facilities for sewerage. The site ought not to be so far removed as to entail unnecessary fatigue in the removal of patients, but so placed as to get the advantages of the purer air of the suburbs, if possible. The question of facility of obtaining food, etc., must be attended to. The neighbourhood of large works where much noise or smoke are produced, and where there is much traffic, should be avoided, likewise all works whence effluvia is emitted. The grounds should be well walled in, and there should be a porter's lodge at the entrance. The exercising ground for convalescents should not be close to the approach for tradesmen, etc., to the hospital.

Each ward should not contain more than six or eight beds, and each block not more than two floors—one floor is best.

Each patient should have at least 3,000 to 4,000 cubic feet of space.

Each patient should have at least 150 square feet of floor space.

The height of the wards should be 13-14 feet, and the width should not vary beyond 25-35 feet.

There should be at least 1 square foot of window surface to 60 cubic feet of space in each ward.

There should be windows on at least two sides of the wards, and they should open top and bottom.

The ventilation cannot be excessive, but there should be no drafts.

No single system should be relied on as sufficient. If extraction or propulsion be employed, it should be in addition to windows, fireplace, Tobin's tubes, Sheringham ventilators, etc., and not in place of them.

Abundant supply of hot and cold water should exist, and there should be abundant facilities for bathing for patients, and also for the hospital staff.

Open fire-places should be provided if necessary; also, in addition, hot-water heating apparatus.

Walls, ceilings, doors, etc., should have smooth surfaces, and offer as few projections for the deposit of dust as possible. Walls and ceilings should be coloured some agreeable natural tint.

A special room for examining fresh cases should be provided.

The bedrooms of the nurses should be healthy and comfortable, and so placed that those who are on night duty may enjoy their day sleep undisturbed.

*Chronological List of Acts Concerning Public Health.* 145

CHRONOLOGICAL LIST OF ACTS CONCERNING PUBLIC  
HEALTH PASSED DURING THE YEARS 1875-83.

1875.

An Act for facilitating the Improvement of the Dwellings of the Working Classes in large towns (38 and 39 Vic. c. 36), The Public Health Act, 1875.

An Act for consolidating and amending the Acts relating to Public Health in England (38 and 39 Vic., c. 55).

An Act to repeal the Adulteration of Food Acts, and to make better provision for the Sale of Food and Drugs in a pure state (38 and 39 Vic. c. 63).

An Act to amend the 'Public Health (Scotland) Act, 1867,' and other Sanitary Acts, in respect of Loans for Sanitary purposes (38 and 39 Vic. c. 74).

An Act to amend the Contagious Diseases (Animals) Act, 1869 (38 and 39 Vic. c. 75).

An Act to Amend an Act passed in the Session of Parliament held in the 33rd and 34th year of the reign of her present Majesty, chapter 106, intituled 'An Act to amend the Sanitary Act, 1866, so far as relates to the City of Dublin' (38 and 39 Vic. c. 95).

1876.

An Act for making further provision for the Prevention of the Pollution of Rivers (39 and 40 Vic. c. 75).

1877.

[No Sanitary Act was passed in this year.]

1878.

'The Factories and Workshops Regulations Act (41 and 42 Vic. c. 16, 1878).<sup>1</sup>

The Public Health (Water) Act, 1878.<sup>2</sup>

[Amends 38 and 39 Vic. c. 55, The Public Health Act, 1875 ; and construes therewith.]

An Act to consolidate and amend the Acts relating to Public Health in Ireland (41 and 42 Vic. c. 52).

[Amended in 1879 by 42 and 43 Vic. c. 57.]

An Act for making better provision respecting Contagious and Infectious Diseases of Cattle and other Animals, and for other purposes (41 and 42 Vic. c. 74).<sup>3</sup>

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<sup>1</sup> *Vide* p. 123 *ante*.

<sup>2</sup> *Vide* p. 126 *ante*.

<sup>3</sup> *Vide* p. 128 *ante*.

1879.

An Act to amend the Public Health (Scotland) Act, 1867 (42 and 43 Vic. c. 15).

[Amends 30 and 31 Vic. c. 101, 'Public Health (Scotland) Act,' 1867.]

An Act to amend the Sale of Food and Drugs Act, 1875 (42 and 43 Vic. c. 30).<sup>1</sup>

[Amends 38 & 39 Vic. c. 63.]

An Act to amend the Public Health Act, 1875, as to interments (42 and 43 Vic. c. 31).

An Act to amend the Artizans' and Labourers' Dwellings Improvement Act, 1875 (42 and 43 Vic. c. 63).<sup>2</sup>

An Act to extend the powers of the Artizans' Dwellings Act of 1868, by provisions for compensation and rebuilding (42 and 43 Vic. c. 64).

An Act to amend the laws relating to Vaccination in Ireland (42 and 43 Vic. c. 70).

1880.

An Act to amend the Artizans' and Labourers' Dwellings Improvement (Scotland) Act, 1875 (43 Vic. c. 2).

1881.

An Act to consolidate the Alkali Acts, 1863 and 1874, and to make further provision for regulating Alkali and certain other works in which noxious or offensive gases are evolved (44 and 45 Vic. c. 37).<sup>3</sup>

1882.

An Act to amend the Public Health (Scotland) Act, 1867 (45 and 46 Vic. c. 11, 1882).

An Act to extend the Public Health Act, 1875, to the making of Bye-laws for Fruit-pickers (45 and 46 Vic. c. 23).

An Act to amend the Artizans' and Labourers' Dwelling Acts (45 and 46 Vic. c. 54).<sup>4</sup>

1883.

Factory and Workshop Act, 1883. To amend the law relating to certain Factories and Workshops (46 and 47 Vic. c. 53).<sup>5</sup>

Cholera Hospitals (Ireland) Act, 1883 (46 and 47 Vic. c. 48).

Epidemic and other Diseases Prevention Act (46 and 47 Vic. c. 59).<sup>6</sup>

Medical Act (1858) Amendment Act, 1883 (46 and 47 Vic. c. 19).

Public Health Act, 1875 (Support of Sewers), Amendment Act (46 and 47 Vic. c. 37). Amends the Public Health Act, 1875, and makes provision with respect to the support of Public Sewers, and Sewerage Works in Mining Districts.

<sup>1</sup> *Vide p. 121 ante.*

<sup>3</sup> *Vide p. 137 ante.*

<sup>5</sup> *Vide p. 123 ante.*

<sup>2</sup> *Vide p. 127 ante.*

<sup>4</sup> *Vide p. 128 ante.*

<sup>6</sup> *Vide p. 141 ante.*

## DESCRIPTIVE LIST OF CIRCULARS, ETC., BEARING ON PUBLIC HEALTH, ISSUED BY THE LOCAL GOVERNMENT BOARD SINCE 1875.

1875.

No. 14, Sept. 30.—Is a lengthy and important document, bringing under the notice of Urban Sanitary Authorities the provisions of the Public Health Act, 1875 (38 and 39 Vic. c. 55).

'The Act,' it is stated, 'consolidates, so far as regards England, exclusive of the Metropolis, the whole of the Sanitary Acts, with the following exceptions, viz.: "The Bakehouse Regulation Act;" "The Artizans' and Labourers' Dwellings Act, 1868;" "The Baths and Wash-houses Acts;" and "The Labouring Classes' Lodging-Houses Acts." The Acts thus consolidated are, of course, repealed; but the Acts which have been excepted, and the duties of Sanitary Authorities under them, are in no way affected.'

Although the Act is mainly one of consolidation, certain amendments of the law are contained in it. The object of many of the Amendments was to clear up doubtful points of construction, and to harmonise the provisions of the Acts consolidated; while the object of others is to extend the authority of Urban Authorities with respect to various points of Sanitary administration and town government.

The Act, it is stated, does not alter the present constitution of any existing Urban Authority, or the tenure of office of any of their officers or servants, nor does it affect existing rights or liabilities (cf. §§ 326 and 343 of the Act).

Then follows a detailed statement, showing the principal alterations of the law contained in the Act, so far as relates to Urban Authorities, under 36 separate headings, followed by the three Schedules.

No. 15, Sept. 30.—Is a similar letter to No. 14, addressed to Rural Authorities.

No. 16, Sept. 30.—Circular letter relating to the Sale of Food and Drugs Act, 1875 (38 and 39 Vic. c. 63). It contains detailed references to the most material of the Amendments introduced by the Act, under six separate headings.

No. 59.—Gives Summary of Vaccination Returns for year ended Sept. 29th, 1875.

No. 60.—Gives number vaccinated in each year from 1852 to 1872.

No. 61.—Gives number of successful primary vaccinations in 1873, 1874, and 1875.

1876.

No. 1, Feb.—Memorandum relative to the joint appointment of M.O.H., or Inspector of Nuisances, for two or more Sanitary Districts.

Details the steps to be taken by the several authorities proposing to combine for the appointment of one officer, so as to obtain sanction of L.G.B., and the issuing of the Order authorising the appointment

No. 8, April 30.—Bye-laws for Hop-pickers (38 and 39 Vic. c. 55) —  
—Circular letter to Urban and Rural Sanitary Authorities, as to the importance of improved accommodation for hop-pickers, and of sanitary precautions to protect them, and enclosing

No. 9.—Copy of Bye-laws for securing the Decent Lodging and Accommodation of Persons engaged in Hop-picking.

No. 13, Nov. 7.—Vaccination and Revaccination.—Circular letter to Metropolitan Boards of Guardians: urges the great importance of increased activity as to, in view of the increase of small-pox in London, and enclosing copy of

No. 14.—Memorandum on Re-vaccination issued by Dr. E. Seaton, Oct. 17, 1876.

No. 18, Dec. 9.—Hospital accommodation for Small-Pox Cases in the Metropolis.—Circular letter to Guardians.

No. 21, Dec. 30.—Annual Reports of the M.O.H.'s appointed under L.G.B.'s orders of Nov. 11, 1872.

Circular Letter to Urban and Rural Sanitary Authorities; directs attention to enclosed instructions as to the Reports to be annually made by M.O.H., and encloses tabular form of return.

Nos. 67-72.—Returns as to Vaccination for year ending Sept. 1876.

1877.

No. 24, for the year 1876-77 is dated Jan. 2, 1877, and refers to Hospital accommodation in the Metropolis for non-paupers (small-pox cases). It impresses on the Vestries and Board of Works the fact that Metropolitan Asylum Hospitals are only for the destitute, that the accommodation in them is very limited, and the importance of provision being made.

No. 4, Jan. 16.—Circular letter to Authorities empowered to appoint analysts, referring to the duty of analysts to make quarterly reports, and enclosing copy of official form for such reports (*cf.* No. 1, 1878).

No. 6, March 5.—Circular letter to Urban Sanitary Authorities, asking what steps had been taken as to giving effect to 'Artizan's and Labourers' Dwellings Improvement Act, 1875.'

Nos. 14-16, July 25, are circular letters to Urban and Rural Sanitary Authorities with certain urban powers, referring to the Model Bye-laws I.-IX., issued by the Local Government Board.

No. 17.—Model Bye-laws, I.-IX., issued by the Local Government Board (*cf.* No. 20, 1879).

No. 18, August 6.—Circular letter to Sanitary Authorities, draw-

ing attention to the 'Rivers Pollution Prevention Act, 1876,' and giving a précis of this Act.

No. 31.—Circular letter to Town Councils who had sent no report as to having appointed an analyst, and drawing attention to § 10, 38 and 39 Vic. c. 63 ('The Sale of Food and Drugs Act, 1875'), which enacts that the Town Council of every Borough having a separate Court of Quarter Sessions, or a separate Police Establishment, *may*, as soon as convenient after the passing of that Act, or when required by the Local Government Board, *shall* appoint one or more persons possessing competent knowledge, skill, and experience as analyst or analysts of all articles of food and drugs sold within the borough.

Nos. 76-81.—Vaccination Returns.

No. 108.—Tabular abstract of the Reports of Analysts for the Metropolitan Districts, thirty-two counties in England, and three in Wales.

1878.

No. 1, Jan. 8.—Circular letter to Authorities empowered to appoint analysts, referring to informality of some reports, and enclosing form (*cf.* No. 1, 1877).

No. 10, March 20.—Canal boats: general order as to the registration, sanitation, etc.

No. 14, May 17.—(To come into force June 30, 1878.) Prescribing regulations as to registration authorities.

No. 15, July 22.—Circular letter to Sanitary Authorities; gives a précis of the Canal Boats Acts, 1877, and draws attention to the previous order of the Local Government Board.

No. 19, Sept. 16.—Order prescribing places, and fixing price of the regulations made by the Local Government Board, in pursuance of Canal Boats Act, 1877.

No. 20, Sept. 17.—Circular letter to Port Sanitary Authorities as to the possibility of importation of *yellow fever*, then prevailing in certain ports of N. America, notably New Orleans, and the provision of means of isolation and disinfection.

No. 24, Sept. 26.—Circular letter to Port Sanitary Authorities, with regard to appointment of Medical Officer of Health, and Inspector of Nuisances.

No. 25, Sept. 25.—General order as to Medical Officer of Health to Port Sanitary Authorities (temporary), a portion of whose salaries is paid out of moneys voted by Parliament.

No. 26, Sept. 25.—Do. with regard to Inspector of Nuisances.

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<sup>1</sup> *Cf.* p. 122, *ante*.



No. 33, Nov. 22.—Circular letter to Nuisance Authorities of the Metropolis as to Smoke Nuisance Abatement.

Nos. 82-87.—Vaccination Returns.

No. 115.—Tabular abstract of Reports of Public Analysts for 1878, in the Metropolitan Districts, thirty-six counties of England, and five counties of Wales.

1879.

No. 1, Jan. 1.—Memorandum for the assistance of Guardians and others in framing and carrying out arrangements for the performance of *Public Vaccination*.

Special reference made to—

Vaccination Acts, 1867 and 1871 ;  
Regulations of Dec. 1, 1859 ; and  
Regulations, Feb. 18, 1868.

Gives a number of valuable directions as to Vaccination, arrangements of the stations, forms, contracts for vaccination, etc. Signed by E. C. Seaton, M.D., medical officer to the Local Government Board.

No. 4, Feb. 19.—Provision of hospital accommodation for dangerous infectious cases. Circular letter to Port Sanitary Authorities.

Refers to circular of Sept. 17, 1878, and to the great responsibility resting on Port Authorities to make the necessary provision.

No. 19, May 28.—Model Bye-laws, X., XI. and XII., accompanied by circular letter.

No. 20.—Copy of the above Bye-laws (*cf.* No. 17, 1877).

No. 28, Aug. 18.—Returns of deaths and sickness.—Circular letter to Boards of Guardians, enclosing copy of memorandum as to return of deaths from registrar, and returns of pauper sickness from district medical officer.

No. 29.—Memorandum as to above :

Paragraph I. states that Sanitary Authorities should get weekly returns of deaths, and immediate notice of 'deaths from infectious disease in fresh localities,' or from diarrhoea.

Paragraph II. refers to the supplying of the Medical Officer of Health with the new cases of pauper sickness in his district.

Paragraph III. says : 'The guardians should request the Poor Law medical officers to give to the Medical Officer of Health, acting within their respective districts, the earliest possible information of cases of dangerous infectious diseases under their charge.'

Paragraph IV. refers to the Board's general order, Feb. 12, 1879, making it incumbent on all district and workhouse medical officers appointed since Feb. 28, 1879, to furnish the Medical Officer of Health with returns of pauper sickness and deaths, as well as to notify the outbreak of dangerous infectious disease, a similar obliga-

tion being imposed by the order of June 14, 1879, upon medical officers of district schools, appointed after June 24, 1879.

No. 30, Aug. 19.—Public Health (Interments) Act, 1879; circular to Sanitary Authorities explaining main provisions of Act.

No. 37, Nov. 19.—The Artizans and Labourers' Dwellings Improvement Act, 1879 (42 and 43 Vic. c. 63). Circular letter to Urban Sanitary Authorities of districts having a population of 25,000 and upwards (according to census 1871); refers to main provisions of the Act.

No. 39.—Sale of Food and Drugs Acts.—Circular letter to Local Authorities empowered to appoint analysts, and draws especial attention to the Amending Act (42 and 43 Vic. c. 30), as to which cf. p. 121, *ante*.

Nos. 87-92.—Returns relating to Vaccination.

No. 122.—Tabular abstract of Reports of Public Analysts for the Metropolitan Districts, forty counties of England, and twelve counties of Wales, for 1879.

1880.

No. 5, March 16.—General order, prescribing Regulations (Urban Sanitary Authorities) as to medical officers whose salaries are partly repaid out of moneys voted by Parliament.

Notice must be given at one of the two ordinary meetings preceding that at which the appointment is to be made, and an advertisement must be inserted in a local newspaper circulating in the district, at least seven days before election.

Art. I. Qualification; II. Appointment; X. Tenure of Office; XIV. Salary; XVIII. Duties.

As to tenure of office, Art. X.:

'Every officer shall continue to hold office for such period as the Sanitary Authority may, with the approval of the Local Government Board, determine, or until he die, or resign, or be removed by such authority with the assent of the Local Government Board, or by the Local Government Board, or be proved to be insane by evidence which that Board shall deem sufficient.'

No. 6.—Ditto (Rural Sanitary Authorities).

No. 7, March 16.—Ditto as to medical officers, no portion of whose salaries is repaid out of moneys voted by Parliament (U.S.A.).

This general order is, in respect of the *duties* to be performed, identical with No. 5, except that under No. 7 the Medical Officer of Health must report his appointment, within seven days, to the Local Government Board.

However, there are no Articles relating to appointment, tenure of office, or salary, in No. 7.

No. 8, March 16.—Ditto (Rural Sanitary Authority).

No. 9, March 16.—General order (Urban Sanitary Authority).—

Regulations as to Inspectors of Nuisances, whose salaries are partly repaid out of moneys voted by Parliament.

Art. I. Appointment; IX. Tenure of Office; XIII. Salary; XVII. Duties.

The following portions are specially deserving of attention :

Art. XVII. (1) 'He shall perform, either under the special directions of the Sanitary Authority, or (so far as authorized by the Sanitary Authority) under the directions of the Medical Officer of Health, or in cases where no such duties are required, without such directions, all the duties specially imposed upon an Inspector of Nuisances by the Public Health Act, 1875, or by the Orders of the Local Government Board, so far as the same apply to his office.'

(9) He shall give immediate notice to the Medical Officer of Health of the occurrence within the district of any contagious, infectious, or epidemic disease; and whenever it appears to him that the intervention of such officer is necessary in consequence of the existence of any nuisance injurious to health, or of any overcrowding, he shall forthwith inform the Medical Officer of Health thereof.

(10) 'He shall, subject to the direction of the Sanitary Authority, attend to the instructions of the Medical Officer of Health with respect to any measures which can be lawfully taken by an Inspector of Nuisances under the Public Health Act, 1875, for preventing the spread of any contagious, infectious, or epidemic disease of a dangerous character.'

No. 10, March 16.—Ditto (Rural Sanitary Authorities.)

No. 27, Nov.—Mortality from diarrhoea.—Circular letter referring to the high mortality from diarrhoea in certain districts, and inquiring whether the Medical Officer of Health has formed any judgment as to the cause thereof, and asking for copies of reports thereon.

No. 29.—Forms to be appended to annual reports of Medical Officers of Health.—Circular letter requesting that three copies of each form enclosed be forwarded to the Medical Officer of Health of the Urban Sanitary District. Reference is also made to the importance of annual reports of Medical Officers of Health being 'made within a reasonable time from the close of the year to which they relate.'

Two tables A, B, are enclosed. A contains thirty-three columns of deaths and ages; B is a table of new cases of sickness.

No. 30, Dec. 16.—Annual Reports of Medical Officers of Health.—Circular letter to Port Sanitary Authorities, calling attention to the necessity of Medical Officers of Health furnishing annual reports as to the sickness and mortality on shipboard within the district; and requesting a copy of report for 1880, within six weeks of close of year.

No. 31, Dec. 20.—Small-pox in the Metropolis, refers to exceptional visitation of houses and tenements in infected district where unvaccinated children are suspected.

No. 32, Dec. 31.—Model Bye-laws: houses let in lodgings;

Public Health Act, 1875. — Circular letter to Urban Sanitary Authorities : refers to the Board's circulars of July 25, 1877, and May 28, 1879. Bye-laws enclosed and authorized by Public Health Act, ec. 90, are not intended to apply to common lodging-houses.

No. 33, Dec. 31. — Ditto (Rural Sanitary Authority).

No. 34, Dec. 31. — Model Bye-laws. Ditto.

Nos. 81 to 86. — Vaccination returns for year ending 1879-80.

No. 117. — Tabular abstract of Reports of Public Analysts for the Metropolitan Districts, forty counties and ridings of England, and twelve counties of Wales.

1881.

Nos. 1, 2, 3, Jan. 26. — Letters and memorandum on Vaccination and Re-vaccination in the Metropolis.

Nos. 4 and 5, Feb. 16. — Circular letter to Sanitary Authorities, with model Bye-Laws as to Cemeteries.

No. 6, enclosed in No. 5, and dated Dec. 13, 1880. — This memorandum, by Dr. Parsons, contains valuable information as to the sanitary requirements of Cemeteries.

The dangers to the public health likely to arise from Cemeteries are classed as : (1) Contamination of air by the gaseous and volatile ; (2) contamination of drinking water by the liquid and soluble products of decomposition.

The sanitary requirements of a Cemetery are summed up under four headings : I., Suitable soil, and proper elevation of site ; II., suitable position, especially with respect to houses and sources of water-supply ; III., sufficient space ; IV., proper regulation and management. Each of these subjects is treated of in detail.

Nos. 7 and 8, Feb. 23. — Circular-letters to Guardians and Vestries (Metropolis) as to small-pox epidemic.

No. 11, March 12. — Circular-letter on trichinous disease.

No. 12. — Memorandum on trichinous disease, enclosed in No. 11, and dated Feb. 28.

This is a valuable memorandum, signed by the medical officer of the Local Government Board, on the prevention of this formidable malady. Dr. Buchanan states that 'the only known means of voiding disease in man from this dangerous quality of meat from pigs is thorough cooking.'

He advises that hams, sausages, etc., should never be eaten in a raw state ; and that the cooking, to be effective, should not be shorter than 1 hour, or  $\frac{1}{2}$  hour, for each pound of meat ; the time of cooking to be reckoned from the time when the water begins to boil.

No. 16, July 28. — Circular-letter to Guardians and Rural Sanitary authorities as to small-pox among hop-pickers.

The importance of vaccination and re-vaccination, and the advi-

sability of circulating handbills notifying the legal consequences of spreading infectious disease, and the importance of making provision for isolation of cases of small-pox in hop-districts during the season, are dwelt on.

No. 17, July 28.—Memorandum as to small-pox among hop-pickers.

This memorandum as to the steps specially requisite to be taken by Boards of Guardians under the Vaccination Acts, 1867 and 1871, in places where small-pox is prevalent, is issued by Dr. Buchanan.

No. 18, April.—Is a memorandum, also issued by Dr. Buchanan, on the duties of Sanitary Authorities in reference to epidemics of small-pox.

It refers to the importance of vaccination, the necessity of district medical officers supplying early information of all fresh cases of variola to the M. O. H., and details the following measures to be adopted by Sanitary Authorities in reference to small-pox :

(1) Removal to suitable place of treatment of infectious cases, special attention to overcrowding, and also to the care of the corpses of persons who die of small-pox. (2) The necessity of providing sufficient hospital accommodation for the cure of small-pox. (3) The necessity of disinfecting all houses, rooms, and things infected with small-pox 'under skilful direction,' and as speedily as possible; if 'possible by the servants of the Sanitary Authority, and to the satisfaction of the M. O. H.' The provision of a suitable disinfecting apparatus is also referred to, and the advantages of destroying infected articles in certain cases, making compensation when desirable. (4) The provision of a suitable ambulance. (5) The publication of the legal consequences of spreading infection by letting infected rooms, carriages, etc.

No. 22, Oct. 24.—Alkali, etc., Works Regulation Act, 1881.—Circular-letter to Sanitary Authorities.

Details the general scope of the Acts of 1863, 1874, and 1881. As the Act does not impose any limit with regard to escape of noxious gases evolved, the L. G. B. is empowered to require by Provisional Order that *the best means* for rendering such gases harmless or inoffensive be adopted.

Information to enable registration of works to be carried out is asked for. Special reference is made to § 19 of the Act, which authorizes the L. G. B. to appoint an additional inspector if any Sanitary Authority will pay not less than half the salary; and also § 28, under which a person injured by offensive gaseous emanations, produced by several parties, may recover damages from each, even though the act of one defendant would not separately have caused the nuisance.

No. 24, Oct. 31.—Is a copy of No. 22, sent to Vestries and District Boards.

No. 27, Dec. 31.—Alkali, etc., Works Regulation Act, 1881.

Circular letter to owners, etc., carrying on works referred to in

It recites the works which are to be registered, and other points of the Act.

34. Nov. 14.—Report on certain Hospitals in France and Italy, by Percival Gordon Smith.

36. Sept. 2.—Report by Dr. Fraser on Ventilation of the Great Eastern Railway, from the *Sanitary Atlas*.

37. Aug. 31.—Report of Dr. Gayton on Darenth Small-pox.

38. 75-80.—Are Returns as to vaccination and lymph-supply.

1882.

1. Jan. 7.—Alkali, etc., Works Regulation Act, 1881. Circular order; address to the owner of works affected by the above Act; refers to the registration of alkali works.

4. March 17th.—Casual Paupers suffering from Small-Pox. Circular to Boards of Guardians, as to dangers arising from the casual paupers when infected.

8. June 19.—Infectious diseases in workhouses. Circular to Boards of Guardians. The attention of Guardians is drawn to the importance of nurses and other persons employed to attend small-pox patients, or brought into personal contact with them, at once re-vaccinated unless they have had small-pox or have successfully re-vaccinated within a recent period.

10. July 25.—Model Bye-laws: Mortuaries and offensive trades; circular letter to Urban Sanitary Authorities.

11. July 25.—Model Bye-laws: Mortuaries; circular letter to Rural Sanitary Authorities.

12. July 25.—Model Bye-laws: Mortuaries and offensive trades; circular letter to Rural Sanitary Authorities with Urban Sanitary powers.

13.—Model Bye-laws as to Mortuaries, issued by the Local Government Board for the use of Sanitary Authorities. Available suggestions are made by the Board under the headings

1. Site and structure;

2. Administrative arrangements.

Plan drawn to scale of approved design is given.

14. July 25.—Model Bye-laws as to offensive trades. In the prefatory memo. attention is drawn to the fact that, in order to bring a trade within the operation of the bye-laws, which the Local Authority are empowered to make, the trade must belong to a class designated 'offensive,' and must have been established with the consent of the Authority either before or after the passing of the Public Health Act, 1875.

Available information is given on the difficult question as to what constitutes noxious or offensive trade; the important decisions in the case of the Wanstead Local Board, Passey, app., Oxford Local Board, and Cardell, app., New Quay Local Board, bearing upon this point, are discussed.

The Bye-laws are classed as follows :

1.	With respect to the trade of a	Blood-boiler.
2.	" " "	Blood-dryer.
3.	" " "	Bone-boiler.
4.	" " "	Fellmonger.
5.	" " "	Tanner.
6.	" " "	Leather-dresser.
7.	" " "	Soap-boiler.
8.	" " "	Tallow-melter.
9.	" " "	Fat-melter or fat-extractor.
10.	" " "	Tripe-boiler.
11.	" " "	Glue-maker.
12.	" " "	Size-maker.
13.	" " "	Gut-scrapers.

No. 17, August 22.—Hop-pickers ; circular letters drawing attention to necessity of supervision of hop-pickers during the season.

No. 24, Nov. 10.—Artizans' Dwellings Act, 1882. Circular letters drawing attention to the important amendment under § 3 of the Act of 1882, whereby the obligation for providing accommodation for persons displaced by an improvement scheme is removed unless the L. G. B. require it.

No. 25, Nov. 11.—Do. do. to Boards of Guardians (Metropolis) —

No. 27, Dec. 9.—Periodical return of sickness in Metropolitan schools ; draws attention to the new form of fortnightly return (copy enclosed) to be prepared by the medical officer on the first and third Saturday of each month.

No. 28.—Form of return of sickness in Metropolitan pauper schools.

Nos. 84-89.—Returns as to vaccination and the National Vaccine Establishment and educational vaccination stations.

No. 119.—Abstracts of reports of public analysts for 1882 for the Metropolitan district, forty counties of England, and twelve of Wales.

1883.

No. 120, Feb. 2.—Report on examinations of tea by Mr. G. Excell.

CHRONOLOGICAL LIST OF REPORTS, RETURNS, AND OTHER DOCUMENTS RELATING TO PUBLIC HEALTH, PREPARED BY THE LOCAL GOVERNMENT BOARD, AND PRESENTED TO PARLIAMENT DURING EACH YEAR, 1875-83.

Parliamentary  
Numbers.

1875.

Sums expended in each year from 1861-73 on drainage works and works of water supply in towns of

*List of Reports, Returns, and other Documents.* 157

	Parliamentary Number.
Lancashire over 100,000 inhabitants; also the deaths at certain ages; containing a similar Report for Rutland ... ..	65
Report of Local Government Board Inspectors on Public Health Act, 1872... ..	134
Artizans' and Labourers' Dwellings Act, 1868 ... ..	147
Public Health Act, 1872, return of sums allowed toward salaries of Medical Officers of Health... ..	239
Penalties and sanitary structural work ... ..	434
Digest of statutes relating to Urban Sanitary Authorities (2nd ed.) ... ..	C. 1185
Medical Officer, Local Government Board, annual report (part iv.), new series ... ..	C. 1318
Part v.) ... ..	C. 1370
Alkali Acts, 1863 and 1874: eleventh annual report of inspector ... ..	C. 1339

1876.

Swage: methods of disposal by Urban Sanitary Authorities in England and Wales, having over 5,000 inhabitants, cost, profit, etc. ... ..	36
Alkali Act: intermediate report of Chief Inspector of Proceedings since 1874 ... ..	165
Thames Valley Sewerage: report of Lieut.-Col. Cox, R.E., on application to form a united sewerage at Surbiton ... ..	184
Returns of official representation made under Artizans and Labourers' Dwellings Improvement Act, 1875, to Commissioners of Sewers, Metropolitan Board of Works, and Urban Sanitary Authorities, with particulars as to districts, etc. ... ..	294
Sewage disposal: report of committee appointed by President of Local Government Board to inquire into mode of treating town sewage, with fourteen plans... ..	*C. 141.
Annual report of Medical Officer of Local Government Board (Part VII.) New Series ... ..	C. 15c8

1877.

Returns of general diseases and of venereal disease from the workhouse of each union in England and Wales from first week, Jan., 1876, and deaths for twelve months ending Dec. 31, 1875, distinguishing those from venereal disease ... ..	260
Reports of Mr. J. N. Radcliffe on erysipelas after vaccination occurring in the Misterton district and neighbourhood, and in East Retford ... ..	C. 1868



## 1878.

Returns of counties and places to which Commissions of Sewers have been directed under 23 Henry VIII., or subsequent Acts; as to the drainage districts constituted under 24 and 25 Vic. c. 133, and to the several Conservancy and Drainage and Embankment Authorities constituted under Local Acts, giving description of the areas, etc. ... ..	
<i>Canal boats</i> : regulations made by the Local Government Board under Canal Boats Act, 1877 ... ..	=
<i>Canal boats</i> : regulations (Registration Authorities) made by the Local Government Board under Canal Boats Acts, 1877. ... ..	3
<i>Vaccine lymph</i> : returns as to, including sources of, and reports as to microscopic examination of ... ..	=
Report of Medical Officer of Local Government Board for 1876 (Supplement to 6th Annual Report) ...	C. 15
Ditto ditto 1877 (Supplement to 7th Annual Report)	C. 21

## 1879.

Diphtheria (North London): Mr. Power's report to Local Government Board ... ..	9
Canal boats: returns of number of registered, and number of men, women, and children accommodated in ...	167
Urban water supply: returns giving certain particulars as to the water supply of every Urban Sanitary Authority in England and Wales, including population, source and amount of supply, constancy or otherwise, cost, water rates, rents, necessary improvements and other matters ... ..	265
Slaughter-houses: returns as to, in every Urban Sanitary district in England and Wales ... ..	302
Alkali Acts: twelfth and thirteenth annual reports of the Inspector for 1875 and 1876 ... ..	C. 2199
Alkali Acts: fourteenth and fifteenth annual report of the Inspector for 1877 and 1878 ... ..	C. 2300
Reports of the Medical Officer of the Local Government Board ... ..	C. 245

## 1880.

Small-pox: report of Dr. Bridges as to small-pox in hospitals of the Metropolitan Asylums Board from 1876-78 ... ..	7
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*List of Reports, Returns, and other Documents.* 159

	Parliamentary Number.
Thames Conservancy Acts : statement of result of notices for the discontinuance of the passing of sewage, etc., into the river, above the intakes of the water companies supplying Metropolis (continuation of P.P. No. 353, 1876 ... .. Sess. 2. )	275 )
Inspections by Medical Inspectors of Local Government Board, tabular return of all ; visitation by Medical Inspectors of Local Government Board with regard to outbreaks of disease, giving full particulars, ground of complaint, facts collected, etc. ... .. Sess. 2. )	328 )
Alkali Acts : sixteenth annual report of Inspector, 1879 ... .. C. 2682	C. 2682
Report of Medical Officer, 1879 ... .. C. 2681—1.	C. 2681—1.

1881.

Lower Thames Valley Drainage : return of applications made to Home Secretary or to Local Government Board for draining any part of the above district, with particulars ... ..	112
Small-pox and vaccination, 1880-1 : mem. of Medical Officer of Local Government Board as to prevalence of small-pox in London among the vaccinated and unvaccinated ... ..	275
Small-pox hospitals, Metropolis : returns showing number, size, etc., of hospitals established under § 37 of Sanitary Act, 1876. ... ..	334
Metropolitan water : report to Local Government Board on the condition of Grand Junction Water Works Company ... ..	408
Animal inoculation : letter to President of Local Government Board from the Secretary of International Medical Congress, drawing attention to Pasteur's Address on Inoculation of Animals as a means of protecting them against Virulent Diseases, also the address of Professor Pasteur ... ..	423
Supplement to ninth annual report of Local Government Board as to Levantine Plague and Quarantine in the Red Sea ... ..	C. 2905
Rivers' Pollution Preservation Act, 1875, report to Local Government Board by Dr. Angus Smith, F.R.S. ... ..	C. 3080
Alkali Acts : seventeenth annual report by the Inspector	C. 3081
Tenth annual report of Medical Officer of Local Government Board, 1880 ... ..	C. 3048

1882.

Infectious diseases notification : return to Local Government Board as to operation of compulsory notification from towns where it is in force ... ..	154
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	Parliamentary Numbers.
Alkali, etc., Works Regulation Act, 1881: return of all works registered under the Act ... ..	34— 8
Vaccination; report as to certain deaths and injuries attributed to vaccination at Norwich ... ..	38— 5
Memo. by the Medical Officer of Local Government Board as to erysipelas at Norwich Vaccination Station in June, 1882 ... ..	39— 5
Tenth annual report of Medical Officer of Local Government Board on use and influence of hospitals for infectious diseases ... ..	C. 329— 0

### ACTS OF PARLIAMENT SPECIALLY INTERESTING TO OFFICERS OF HEALTH.

*The Medical Acts*—21 and 22 Vic. c. 90 (1858); amended by 22 Vic. c. 21 (1858); 23 Vic. c. 7 (1860); 23 and 24 Vic. c. 66 (1860); 36 and 37 Vic. c. 55 (1873); 39 and 40 Vic. c. 40 (1876); 39 and 40 Vic. c. 41 (1876).

*The Medical Practitioners Act*—39 and 40 Vic. c. 40 (1876).

*The Apothecaries Act*—55 Geo. III. c. 194 (1815); amended by 37 and 38 Vic. c. 34 (1874).

*Vivisection Act*—39 and 40 Vic. c. 77 (1876).

*Vaccination*—30 and 31 Vic. c. 84 (1867); amended by 34 and 35 Vic. c. 70 (1871); 34 and 35 Vic. c. 98 (1871); 37 and 38 Vic. c. 75 (1874).

*Medical Witnesses at Coroners' Inquests*—6 and 7 Will. IV. c. 89 (1836); amended by 7 Will. IV. and 1 Vic. c. 68 (1837).

*Sale of Poisons*—31 and 32 Vic. c. 121 (1868); amended by 32 and 33 Vic. c. 117 (1869); 38 and 39 Vic. c. 63 (1875).

*The Contagious Diseases Acts*—29 and 30 Vic. c. 35 (1866); 32 and 33 Vic. c. 96 (1869).

*Factory Surgeons*—41 and 42 Vic. c. 16 (1878).

*Medical Officers under the 'Artizans' and Labourers' Dwellings Improvement Acts' in the Metropolis*—38 and 39 Vic. c. 36 (1875); 45 and 46 Vic. c. 54 (1882).

*Births, Deaths, and Marriages*—6 and 7 Will. IV. c. 86 (1836); 37 and 38 Vic. c. 88 (1874).

*Registration of Births and Deaths in Ireland*—26 Vic. c. 11 (1863); 43 and 44 Vic. c. 13 (1880).

*Public Health, &c.*—18 and 19 Vic. c. 116 (1855); 18 and 19 Vic. c. 121 (1855); 23 and 24 Vic. c. 77 (1860); 26 and 27 Vic. c. 117 (1863); 29 and 30 Vic. c. 41 (1866): all repealed, except as to the Metropolis, by 38 and 39 Vic. c. 55 (1875). Amended as to interments by 42 and 43 Vic. c. 31 (1879); 29 and 30 Vic. c. 90 (1866)—*Paris I., II., and III.* repealed except as to the Metropolis, Scotland,

id Ireland, 38 and 39 Vic. c. 55 (1875): 31 and 32 Vic. c. 115 (1868); repealed, except as to the Metropolis, 38 and 39 Vic. c. 55 (1875); and 36 Vic. c. 79 (1872); repealed, except as to the Metropolis, 37 and 38 Vic. c. 89 (1874); repealed, except as to the Metropolis, 38 and 39 Vic. c. 55 (1875): 41 and 42 Vic. c. 25 (1878).

*Public Health in Scotland*—30 and 31 Vic. c. 101 (1867); amended by 38 and 39 Vic. c. 74 (1875); 38 and 39 Vic. c. 49 (1875); 45 and 46 Vic. c. 11 (1882).

*Public Health in Ireland*—41 and 42 Vic. c. 52 (1878); amended by 42 and 43 Vic. c. 57 (1879).

*The Baths and Wash-Houses Acts*, 1846 and 1847—9 and 10 Vic. c. 74; and 10 and 11 Vic. c. 61; amended by 45 and 46 Vic. c. 30 (1882).

*The Burial Acts*—15 and 16 Vic. c. 85; 16 and 17 Vic. c. 134; 17 and 18 Vic. c. 87; 18 and 19 Vic. c. 128; 20 and 21 Vic. cc. 5 and 81; 22 Vic. c. 1; 23 and 24 Vic. c. 64.

*The Rivers' Pollution Act*, 1876—39 and 40 Vic. c. 75.

*Canal Boats Act*, 1877—40 and 41 Vic. c. 60.

*Sale of Food and Drugs Act*—38 and 39 Vic. c. 63 (1875); amended by 42 and 43 Vic. c. 30 (1879).

*Local Government Board Act*—34 and 35 Vic. c. 70 (1871).

*The Alkali Act*, 1863 (26 and 27 Vic. c. 124), amended by

*The Alkali Act*, 1874—37 and 38 Vic. c. 43.

## LIST OF MODEL BYE-LAWS FOR SANITARY AUTHORITIES PREPARED BY THE LOCAL GOVERNMENT BOARD.

- I. Cleansing Footways, Privies, Cesspools, etc.; Removal of House Refuse.
- II. Prevention of Nuisances.
- III. Common Lodging-houses.
- IV. New Streets and Buildings.
- V. Markets.
- VI. Slaughter-houses.
- VII. Hackney Carriages.
- VIII. Public Bathing.
- IX. Baths and Wash-houses, etc.
- X. Pleasure Grounds.
- XI. Horses, etc., Standing for Hire.
- XII. Pleasure Boats and Vessels.
- XIII. Houses Let in Lodgings.
- XIV. Cemeteries.
- XV. Mortuaries.
- XVI. Offensive Trades.

## USEFUL TABLES.

### WATER.

1 gallon	= 10 lb. = 0.1605 cub. ft. = 70,000 grs. = 277.2736 cub. in. = 4.5434 litres.
224 gals.	= 1 ton = 35.942 cub. ft. = 1.331 cub. yds.
1 pint	= 34.6592 cub. in. = 1.25 lb. = 0.0206 cub. ft. = 0.567 litre = 8,750 grs.
1 fluid oz.	= 1.72 cub. in. = 437.4976 grs.
1 dram	= 27.3436 grs.
1 cubic foot	= 62.322 lb. = 6.2322 gals. = 1728 cub. in. = 28.2153 litre = 1000 oz.
35.943 cub. ft.	= 1 ton.
1 cub. yd.	= 168.2694 gals.

Maximum density under barometric pressure of 30 in. occurs at 39.2° F. and is taken as = 1.000; but in this country the density at 60° F. is usually taken as unity—on the Continent, that at 39.2° F. (= 4° C.). The density of ice at 32° F. = 0.916.

1 cub. in. at 62° F. (barometric pressure being = 30 in.  
= 252.458 grs.

### HARDNESS OF WATER.

The *total* hardness = *temporary* hardness (*i.e.*, that removable by boiling) + *permanent* hardness (*i.e.*, remaining after boiling).

Each degree of hardness implies the waste of about 12 lb. of the best hard soap for each 10,000 gals., or 100,000 lb., used in washing.

The cost of softening 1,000,000 gals. of chalk-water, having a temporary hardness of 20° is

	<i>s.</i>	<i>d.</i>
16 cwt. of lime at £1 per ton....	16	0
Labour .....	7	0
	23	0

Set off against this, 10s. for whiting produced and sold.

## GALLONS OF WATER SUPPLIED DAILY PER HEAD IN DIFFERENT PLACES.

London—New River Company ...	23	} Mean = about 28.
„ East London ...	22	
„ Chelsea ...	33	
„ West Middlesex ...	30	
„ Grand Junction ...	34	
„ Southwark and Vauxhall ...	21	
„ Lambeth ...	34	
Southampton ...	35	
Glasgow ...	50	
Edinburgh ...	35	
Liverpool ...	30	
Sheffield ...	20	
Nottingham ...	17	
Derby ...	14	
Norwich ...	12	
Soldiers in Barracks ...	15	
Paris ...	31	
New York ...	300	
Ancient Rome ...	350	

(De Chaumont, 'State Medicine.')

## RAINFALL.

The rainfall of England to the west of a line running from Shields to Reading exceeds 25 inches per annum, while west of a line from Shields to Start Point it exceeds 75 inches per annum.

1 in. rain per acre = 101 tons = 22,624 gals. = 64,640 tons per sq. mile.

Mr. Stephenson calculated that the destination of the rainfall in the chalk district of Watford was as follows :

	Millions of cubic feet per day	Inches of rain per annum
Quantity carried off by rivers and streams ..	3	4
Quantity evaporated and absorbed by animal and vegetable organisms .....	5	6½
Quantity sinking into the ground to form springs .....	6½	9½
Total rainfall .....	14½	20

Proportion of rainfall sinking below surface = 44·8 per cent.

The evaporation of 1 grain of water causes as much heat to be absorbed as would raise 960 grains 1 degree F.

Average yearly rainfall in London = 25·721 in., and evaporation = 20·613 inches.

TABLE EXHIBITING THE CHARACTERISTICS OF DRINKING WATER.  
(From Parkes' Practical Hygiene.)

Character or Constituent.	1. Pure and Wholesome Water.	2. Usable Water.	3. Suspicious Water.	4. Impure Water.	Remarks.
Clearness, lustre, and aëration ...	Transparent, sparkling, and well aërated.	Transparent, sparkling, and well aërated.	Turbid.	Turbid and not easily purified by coarse filtration.	Turbidity, due to very fine mineral matter, is sometimes associated with pure waters; thus minutely divided calcium sulphate will not subside in distilled water.
Suspended matter	None detectable by the eye.	Absent, or easily separable by coarse filtration or subsidence.	Considerable.	Large.	Where the impurity is mostly vegetable, the colour may be very marked in good, or at least usable water. In chalk waters of the 1st class the solids may reach 14 grains per gallon (=200 parts per million), the greater part being calcium carbonate.
Colour .....	Colourless.	Colourless, or slightly greenish.	Yellowish.	Distinctly yellow or any marked colour.	In peat waters the incinerated solids may blacken considerably.
Taste .....	Palatable.	Palatable.	Any marked taste.	Low or any marked colour.	Water, slightly contaminated with sea-water, may have a higher amount of chlorine.
Smell .....	None.	None.	None.	Any marked odour.	
Solids (dissolved):	Under 8 grs. per gal. (=14 parts per mil.)	Under 30 grs. per gal. (=428 parts per mil.)	Above 30 grs. per gal. (=428 parts per mil.)	Above 50 grs. per gal. (=714 parts per mil.)	
Solids, volatile (capable of being dissipated by red heat) .....	Under 1 gr. per gal. (=14 parts per mil.)	Under 3 grs. per gal. (=43 parts per mil.)	Under 3 to 5 grs. per gal. (=43 to 71 parts per mil.)	Above 5 grs. per gal. (=71 parts per mil.)	
Chlorine .....	Under 1 gr. per gal. (=14 parts per mil.)	Under 3 grs. per gal. (=43 parts per mil.)	Above 3 grs. per gal. (=43 parts per mil.)	Above 6 grs. per gal. (=86 parts per mil.)	

LIMIT VALUE.	MATTER.	Under 0'105 grs. per gal. (=1'5 parts per mil.)	Above 0'105 grs. per gal. (=1'5 parts per mil.)	Come from vegetable matter.
Oxygen required for oxidisable organic matter, determined by permanganate in presence of acid.	Ammonia: free or saline.....	Under 0'07 grs. per gal. (=1 part per mil.)	Above 0'105 grs. per gal. (=1'5 parts per mil.)	The amount may be greater in good peat waters.
Ammonia: albuminoid or organic	Hardness, fixed....	Under 0'0035 grs. per gal. (=0'05 parts per mil.)	Above 0'0035 grs. per gal. (=0'05 parts per mil.)	Frankland's standard for good water is: 2 to 3 parts per million of organic carbon; 0'2 parts per million of organic nitrogen. He also gauges it by the 'previous sewage contamination', as measured by the nitrogen existing as nitrates—about 1 part per million being the limit of inorganic nitrogen. 'Reasonably safe' waters. N.B.—Frankland's numbers are stated per 100,000, instead of per million. (See 'Rivers Pollution Commissioners' Sixth Report,' page 13 and <i>seq.</i> )
Metallic contamination .....	Hydrogen or alkaline sulphides....	Under 4° Clark's scale.	Above 4° Clark's scale.	Any metal except iron. Present.
Microscopic characters .....	Mineral matter: vegetable forms with endochrome; large animal forms; no organic debris.	Trace of iron.	Trace of iron.	Bacteria of any kind: Fungi; numerous vegetable and animal forms of low types; Epithelia or other animal structures; evidences of sewage; ova of parasites, etc. page 13 and <i>seq.</i>
Same as No. 1.	Same as No. 1.	Absent.	Absent.	Vegetable and animal forms more or less pale and colourless: organic debris; fibres of clothing, animal structures or other evidence of house refuse.

N.B.—'Parts per mil.' mean 'Parts per million,' equal to 'milligrammes per litre.'



## QUALITATIVE EXAMINATION OF DISSOLVED SOLIDS.

The water may be either at once treated, or, in the case of some constituents, it should be concentrated by evaporation.—(Parkes' 'Practical Hygiene'.)

## WATER NOT CONCENTRATED.

Substance sought for.	Reagents to be used and effects.	Remarks.
Reaction	Litmus and turmeric papers; usual red or brown reactions.	Usually neutral. If acid and acidity disappears on boiling, it is due to carbonic acid. If alkaline and disappears on boiling, to ammonia (rare). If permanently alkaline, to sodium carbonate.
Lime	Oxalate of ammonium. White precipitate.	Six grains per gallon give turbidity; sixteen grains considerable precipitate.
Chlorine	Nitrate of silver, and dilute nitric acid. White precipitate becoming lead colour.	One grain per gallon gives a haze; four grains per gallon give a marked turbidity; ten grains a considerable precipitate.
Sulphuric Acid	Chloride of barium and dilute hydrochloric acid. White precipitate.	One-and-a-half grains of sulphate give no precipitate until after standing; three grains give an immediate haze, and, after a time, a slight precipitate.
Nitric Acid	Brucine solution* and pure sulphuric acid. A pink and yellow zone.	The sulphuric acid should be poured gently down to form a layer under the mixed water and brucine solution; half a grain of nitric acid per gallon gives a marked pink and yellow zone; or, as recommended by Nicholson, 2 C.C. of the water may be evaporated to dryness; a drop of pure sulphuric acid and a minute crystal of brucine be dropped in; 10r grain per gallon can be easily detected.
	Solution of sulphate of iron and	Add an equal bulk of pure sulphuric acid to the water and

Ammonia	<p>spec. u.</p> <p>An immediate blue colour. Nessler's solution. A yellow colour or a yellow-brown precipitate. Red and yellow prussiates of potash. Blue precipitate. A salt of lead. Black precipitate. Nitroprusside of sodium. A beautiful violet-purple colour.</p>	<p>Make a comparative experiment with distilled water. If in small quantity, several inches in depth of water should be looked down on a white ground. The red for ferrous and the yellow for ferric salts.</p>
Sulphuretted Hydrogen Sulphides	<p>Gold chloride:—colour varying from rose-pink through violet to olive; a dark violet to black precipitate. Permanganate of potassium. Red colour disappears.</p>	<p>When the water is heated the smell of sulphuretted hydrogen may be perceptible. A black precipitate with lead, but no colour with nitroprusside shows that the sulphuretted hydrogen is uncombined. The water, which should be neutral or feebly acid, must be boiled for 20 minutes with the gold chloride. If no nitrous acid be present, the reaction may generally be considered due to organic matter. In the absence of nitrites, the reaction indicates organic matter; if action rapid, probably animal; if slow, probably vegetable.</p>
Oxidisable matter, including organic matter.	<p>Ammonium sulphide. Dark colour, not cleared up by hydrochloric acid.</p>	<p>Place some water (100 C.C.) in a white dish, and stir up with a rod dipped in ammonia sulphide; wait till colour produced, then add a drop or two of hydrochloric acid. If the colour disappears, it is due to iron; if not, to lead or copper.†</p>
Ditto	<p>Sulphuretted hydrogen. A white precipitate.</p>	<p>This test is not available if there be iron present, should the water be alkaline. It forms, however, in perfectly neutral waters, but not in acid.</p>
Lead or Copper		
Zinc		

\* Brucine solution is made by dissolving one gramme in 1000 C.C. of distilled water. The test may be used in another way: mix a crystal of brucine with a drop of sulphuric acid on a watch glass, and then let a drop of water run down into it.

† Iodide of potassium, 1 part; starch, 20 parts; water, 500 parts; make the starch first and filter when cold, and add to the solution of iodide of potassium.

spec. u. Wanklyn.

## METRICAL MEASUREMENTS.

1 millimetre	= 0'03937 in.
25'4 "	= 1 in.
1 metre	= 39'37079 in. = 1'0936 yd. = 3'2808 ft.
1 cub. do.	= 35'31658 cub. ft.
1 cub. centimetre	= 0'06103 cub. in. = 0'000035 cub. ft. = 0'00176 pint.
1 kilometre	= 1093'6331 yds. = 0'62138 mile.
1 litre (= cub. decim.)	= 61'02705 cub. in. = 1'76077 pts. = 35'3 oz. = 0'22 gal. = 1000 grammes = 1,000,000 mgrs. = 15432'348 grs.
1 milligramme	= 0'01543 grs.
1 gramme	= 15'43235 grs. = weight of 1 cc. of water at 39'2° F.
1 kilogramme	= 15432'349 grs. = 2'2046 lb. (avoir.) = 1000 grammes = 1,000,000 mgrs.

TABLE OF FACTORS FOR CALCULATING EQUIVALENTS OF WEIGHTS, ETC.

To reduce	...	...	Multiply by
inches to metres	...	...	0'02540
metres to inches	...	...	39'37079
feet to miles	...	...	0'000189
yards to miles	...	...	0'00057
yards to centimetres	...	...	2'540
millimetres to inches	...	...	0'03937
inches to millimetres	...	...	25'4
centimetres to inches	...	...	0'3937
grammes to pounds	...	...	0'0022
kilogrammes to pounds	...	...	2'2046
pounds to kilogrammes	...	...	0'4536
litres to gallons	...	...	0'22
gallons to litres	...	...	4'5434
litres to pints	...	...	1'76
pints to litres	...	...	0'5679
pints to cubic centimetres	...	568'1818	
grammes to grains	...	...	15'432
grains to grammes	...	...	0'0648
ounces to grammes	...	...	28'349
cubic feet to gallons	...	...	6'2322
gallons to cubic feet	...	...	0'1605
cubic inches to gallons	...	...	0'003607
cubic inches to pints	...	...	0'0288
pints to cubic inches	...	...	34'6592
fluid ounces to cubic inches	...	...	1'72
cubic inches to fluid ounces	...	...	0'5813
cubic feet to cubic metres	...	...	0'0283153
cubic feet to litres	...	...	28'2153
litres to cubic feet	...	...	0'0354
square feet to square metres	...	...	0'0928997
square metres to square feet	...	...	10'7643
square feet to square yards	...	...	0'111

## THERMOMETRY.

$$F^{\circ} = \frac{9}{5} C^{\circ} + 32. \quad C^{\circ} = \frac{5}{9} (F^{\circ} - 32)$$

$$1^{\circ} F. = \frac{5}{9} C. = \frac{1}{3} R.$$

$$1^{\circ} C. = 1.8^{\circ} F. = 0.8 R.$$

$$1^{\circ} R. = 2.25^{\circ} F. = 1.25^{\circ} C.$$

## TABLE FOR CONVERSION OF ANALYTICAL RESULTS.

To convert parts per 1,000,000 (=mgr. per litre) into grs. per gal., multiply by 0.07.

To convert parts per 100,000 into parts per 1,000,000, multiply by 10.0.

To convert grains per gallon into parts per 1,000,000, multiply by 14.3.

	Fahrenheit.	Centigrade.
Mercury freezes at .....	-40.0	-40.0
Water .....	32.0	0.0
„ maxm. density of ....	39.2	4.0
Mean temp. human body ..	98.4	38.5
„ „ of London ....	50.4	10.2

## AREA OF SUPERFICIES.

Area of Circle .....	= $D^2 \times 0.7854$
„ „ .....	= $C^2 \times 0.0796$
Circumference of Circle	= $D \times 3.14159$
Diameter of „	= $C \div 3.14159$
Area of Rectangle.....	= length $\times$ breadth
„ Triangle .....	= base $\times \frac{1}{2}$ height, or height $\times \frac{1}{2}$ base

$$1 \text{ acre} = 4840 \text{ sq. yds.}$$

$$1 \text{ square mile} = 640 \text{ acres.}$$

## CUBIC CAPACITY.

Cubic capacity of a cube.....	= length $\times$ breadth $\times$ height
„ „ Cone or Pyramid	= area of base $\times \frac{1}{3}$ height
„ „ Cylinder .....	= area of base $\times$ height
Cubic space occupied by a man ..	= $\frac{1}{4}$ his weight in stones

## HYGROMETRY.

The determination of the amount of water present in the air in a vaporous form is most usually made in this country by the aid of two thermometers, one with wet and the other with dry bulb.

From the readings of the two thermometers the amount of watery vapour is calculated according to the formula of Prof. Apjohn, which, in an abbreviated form, is as follows :

- (1) For temperatures above 32° F. ...  $f' = f - \frac{t - t'}{87}$   
 (2) For temperatures below 32° F. ...  $= f - \frac{t - t'}{97}$

$f'$  = the tension of aqueous vapour existing in the air, the temperature corresponding to which is the dew-point.

$f$  = the tension of vapour corresponding to the reading of the wet bulb.

$t$  = the temperature of the dry bulb.

$t'$  = the temperature of the wet bulb.

$p$  = the reading of the barometer.

The use of tables of the tension of aqueous vapour, which these formulæ necessitate, is avoided by using special tables giving the dew-point, and other hygrometrical results, which can be purchased. Those known as 'Glaisher's Tables' are most generally used in this country.<sup>1</sup>

WEIGHT OF AIR PER CUBIC FOOT UNDER 30 INCHES PRESSURE OF MERCURY.

Temperature Fahrenheit	Dry Air	Air saturated with Vapour
	Grains	Grains
0°	606·37	606·03
20°	581·05	580·26
30°	566·85	565·58
40°	557·77	556·03
50°	546·82	544·36
60°	536·28	532·84
80°	516·39	509·97
100°	497·93	486·65

To calculate the weight of a cubic foot of dry air at other temperatures, that at 32° F. being known as = 566·85 grs. at normal pressure :

*Rule.* — Multiply the co-efficient of the expansion of air (= 0·0020361 for 1° F.) by the number of degrees above 32; the product added to 1 = the volume of 1 cub. ft. of air at that temperature. 566·85 divided by the sum obtained, will give the weight of dry air at the given temperature.

<sup>1</sup> *Hygrometrical Tables, adapted to the Use of the Dry and Wet Bulb Thermometer*, by James Glaisher, F.R.S. London: Taylor and Francis, 6th ed., 1870.

TABLE SHOWING COMPOSITION OF RAW SEWAGE, AND THE EFFECT OF LIME-PRECIPITATION AND LAND-FILTRATION.\*

	IN SOLUTION.						SEDIMENTARY MATTER.							
	Total Solids.	Saline Matter.	Organic Matter, etc.	Chlorine.	Equal to NaCl.	Oxygen required to oxidize organic matter.	AMMONIA.							
							Free.	Organic.	Total.	Nitrites.	Free Lime.	Total.	Mineral.	Organic.
Bradford Sewage .....	52.64	41.16	11.48	4.73	6.80	0.980	0.840	0.161	1.001	...	...	33.32	12.34	20.98
Do. do. after liming and filtration through breeze .....	61.04	53.62	7.42	3.64	6.00	1.120	0.420	0.098	0.518	large	14.76	4.01	4.01	...
Leeds Sewage .....	48.58	39.34	9.24	5.53	9.12	0.875	1.085	0.182	1.267	...	...	24.37	9.87	14.50
Do. do. final effluent after liming .....	34.86	29.20	5.60	4.69	7.73	0.952	0.525	0.105	0.630	large	1.01	2.46	2.46	...
Coventry Sewage .....	41.30	33.88	7.42	4.83	7.97	0.423	1.820	0.196	2.016	trace	...	14.81	6.48	8.33
Do. do. after filtration through land	44.94	38.78	6.16	3.85	6.35	0.178	0.647	0.035	0.682	considerable	...	3.58	2.90	0.68

\* Extracted from 'The Chemistry of Sewage Precipitation,' by Dr. Wm. Wallace, Analyst for Glasgow.

(1) For temperatures above 32° F....  $f' = f - \frac{t-t'}{87}$ .

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PRECIPITATION AND LAND-FILTRATION.\*

	IN SOLUTION.							SEDIMENTARY MATTER.						
	Total Solids.	Saline Matter.	Organic Matter, etc.	Chlorine.	Equal to NaCl.	Oxygen required to oxidize organic matter.	AMMONIA.			Total.	Mineral.	Organic.		
							Free.	Organic.	Total.	Nitrites.	Free Lime.			
Bradford Sewage .....	52.64	41.16	11.48	4.73	6.80	0.980	0.840	0.161	1.001	...	...	33.32	12.34	20.98
Do. do. after liming and filtration through breeze .....	61.04	53.62	7.42	3.64	6.00	1.120	0.420	0.098	0.518	large	14.76	4.01	4.01	...
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\* Extracted from 'The Chemistry of Sewage Precipitation,' by Dr. Wm. Wallace, Analyst for Glasgow.



TABLE OF TOWNS WITH IRRIGATION FARMS.  
 From 'Sewage Disposal,' by H. Robinson. Lond., Spon, 1890.)

Name of Town.	Population.	Daily flow of Sewage in gallons.	Annual Rateable Value.	Area of Land irrigated. Acres.	Number of Inhabitants to each acre irrigated. †	Annual Cost, exclusive of Management.	Cost per head of the Population per annum. ‡	Cost per million gallons of Sewage. §	Annual Cost in the pound. ¶
			£			£	s. d.	£ s. d.	s. d.
Aldershot	11,615	200,000	£26,517	2½	121				5. d.
Abingdon	5,913	108,000	14,741	49	84	412	0 8½	3 10 7	0 2½
Banbury	11,718	320,000	34,104	138	92	599	0 8½	2 6 10½	0 2½
Bedford	16,851	700,000	65,000	183	121	6,296	1 6	7 16 9½	0 9½
Blackburn	83,000	2,200,000	235,127	684					
Cheltenham	41,923	1,250,000	217,849	{ 131 330 }	91	132	0 0½	0 5 9½	0 0½
Chorley	18,000	500,000	54,407	97	185	784	0 10½	4 5 11	0 3½
Crewe	20,000	900,000	59,705	257	78	5,368	5 4½	16 6 9½	0 9½
Croydon	57,000	3,000,000	275,000	525	108	4,311	1 6	3 18 9	0 3½
Doncaster	18,750	700,000	68,721	262	71	1,000	1 1	3 18 3½	0 3½
Kendal	13,442	500,000	44,600	65	207	658	0 11½	3 12 2	0 3½
Kidderminster	19,463	1,120,000	53,195	170	114	2,880	2 11½	7 0 11	1 0½
Lamington	24,000	800,000	113,400	469	51	2,086	1 8½	7 2 10½	0 4½
Merthyr Tydvil	48,500	1,200,000	135,000	{ 380 20 }	121	4,500	1 10½	10 5 5	0 8
Northampton	45,000	1,000,000	117,069	327	137	3,805	1 8½	10 8 6	0 7½
Norwich	84,000	6,000,000	295,000	811	103	12,793	3 0½	5 16 6½	1 1½
Rugby	8,400	400,000	45,000	78	107	202	0 7½	1 15 10	0 1½
Tunbridge Wells	23,000	650,000	142,914	295	78	4,144	3 7½	17 9 4	0 6½
Warwick	11,000	700,000	43,339						
West Derby	24,100	723,000	163,000						
Wigan	39,111	2,000,000	121,000						
Wolverhampton	65,279	2,000,000	216,081						

TABLE OF SOILS ARRANGED ACCORDING TO ORDER OF HEALTHINESS,  
(*De Channonk.*)

	Slope.	Permeability to Water.	Emanations into air.	Substances into Water.
Primitive and metamorphic rocks (when unweathered) .....	Great, usually.	Slight.	None.	Few.
Clay slate .....	"	"	"	"
Millstone grit, hard oolite formations .....	Moderate.	"	"	"
Gravel and loose sands, without impermeable subsoils .....	Slight.	Great.	Slight.	Variable.
Chalk, not marly .....	Moderate.	Variable, but usually considerable.	"	Lime Salts; a little magnesia.
Sandstones, old and new .....	"	Moderate.	"	Variable, often great; alkaline and earthy salts; organic matter.
Limestones, old and new .....	Considerable.	"	"	Rather considerable; lime salts.
Magnesian limestone, dolomite, etc. ....	Moderate.	"	"	Considerable; lime; magnesia.
Sands, with impermeable subsoils .....	Slight.	Arrested by subsoil.	Considerable.	Variable, often great; alkaline salts; some lime.
Clays; marls; mixture of sand and clay; most alluvial soils ..	"	Slight.	"	Often great; alkaline and earthy salts; organic matter.
Marshes (when not peaty) .....	"	"	"	(Great; saline; organic matter.)

## AIR.

DE CHAUMONT'S COMPARATIVE TABLE OF AIR-IMPURITY  
ESTIMATED BY SMELL AND BY ANALYSIS.

SENSE OF SMELL.	TEMPERATURE.		VAPOUR.		CO <sub>2</sub> PER VOLUMES	
	In air space	Excess over outer air.	In air space.	Excess over outer air.		
Fresh .....	62·85	5·38	4·629	0·344	0·5999	0·1
A little smell	62·85	8·00	4·823	0·687	0·8004	0·3
Close, or disagreeable smell .....	64·67	12·91	4·909	1·072	1·0027	0·6
Very close, or offensive and oppressive smell ..	65·15	13·87	5·078	1·409	1·2335	0·8
Extremely close, when the sense of smell can no longer differentiate ..	65·05	13·19	5·194	1·319	1·2818	0·8

Oxyg  
vols. in  
of air  
(Angus S

Sea-shore and open heath: Scotland.....	20·9
Tops of hills: Scotland.....	20·9
In a suburb of Manchester—wet weather ..	20·9
Ditto ditto ..	20·9
St. John's, Antigua.....	20·9

Carbonic  
vols. in  
of air  
(Angus S

On mountains and moors of Scotland.....	3·3
In the streets of Glasgow .....	5·0
London, N., N.E. and N.W. ....	4·4
" S. and S.W. ....	4·3
" E. and E.C. ....	4·7
" W. and W.C. ....	4·1
In the streets of Manchester, ordinary weather	4·0
" during fog ....	6·7
Strand Theatre, gallery, 10 p.m. ....	10·1
City of London Theatre, pit, 11.15 p.m. ..	25·2
Standard Theatre, pit, 11 p.m. ....	32·0

Quantity exhaled by a man at. 28, weighing 132 lbs.—0.68 cubic feet per hour.

Watery vapour in the air may vary from 40 per 100 of saturation to complete saturation: 65 to 75 per 100 may be regarded as very satisfactory for health.

Ammonia per million parts of air (by weight)=by day, 9.8=by night, 1.69 (*Fresenius*).

Quantity of air required to be supplied hourly in health (minimum)=3000 cubic feet; in sickness (minimum).—4000 cubic feet. The total quantity of air actually used in respiration averages about 21,600 cubic inches per hour, or 2000 gallons per day, or about 2000 times the bulk of the food and drink we take in the same time.—(*Parkes*.)

## WIND.

*Velocity*.—Usually, in this country, registered by Robinson's Anemometer, a small instrument with four vanes, which, when rotated by the wind, cause a graduated index to rotate. The reading is in miles. The velocity in this country, at the surface of the ground, is about 6.8 miles per hour; a brisk wind travels about 35.40 miles per hour; a high wind, 60-70; while a hurricane will travel 100-110 miles per hour, or more.

*Force*.—The wind-force is reckoned in pounds, or fractions of a pound, pressure per square foot of surface. Given the velocity the force may be calculated as follows:

The pressure = the square of the hourly velocity  $\times 0.005$ .

$$P = V^2 \times 0.005$$

If the force be known the velocity may be calculated thus:

$$V^2 = 200 P.$$

Wind is caused by differences of atmospheric pressure, as the air must flow from where the barometer stands high to where it is low, to restore equilibrium. Hence, as stated by Buys Ballot's Law:—

'In the northern hemisphere, if your back is to the wind the barometer will be higher on your right hand than on your left.'

'In the southern hemisphere, if your back is to the wind the barometer will be higher on your left hand than on your right.'

The wind direction is determined by the distribution of pressure; the greater the inequality of pressure over any area, the stronger is the wind.

## MILK.

The proportion of cream and the specific gravity afford a fair guide to the quality of milk. The specific gravity varies from 1028 to 1032. The following table of Dr. Letheby shows the approxi-

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Oxygen  
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of air.  
(*Angus Smith*)

Sea-shore and open heath: Scotland.....	20·999
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In a suburb of Manchester—wet weather ..	20·980
Ditto ditto ..	20·960
St. John's, Antigua .....	20·950

Carbonic Acid  
vols. in 10,000  
of air.  
(*Angus Smith*)

On mountains and moors of Scotland.....	3·36
In the streets of Glasgow .....	5·02
London, N., N.E. and N.W. ....	4·445
"    S. and S.W.....	4·394
"    E. and E.C. ....	4·745
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mate proportion of added water relatively to the specific gravity and proportion of cream.

	Specific Gravity.	Percentage vol. of cream.	Specific Gravity when skimmed.
Genuine milk .....	1030	12'0	1032
With 10 per cent. added water	1027	10'5	1029
„ 20 „	1024	8'5	1026
„ 30 „	1021	6'0	1023
„ 40 „	1018	5'0	1019
„ 50 „	1015	4'5	1016

The lactoscope of Professor Feser is admirably suited for rough and rapid estimations of the quality of milk. Any sample indicated as bad by the lactoscope and densimeter, the examination only taking a few minutes, should be sent to the analyst.

#### STANDARD DIET

for adult European male of average height (5 ft. 6 in. to 5 ft. 10 in.) and average weight (140 to 160 lbs. avoirdupois), in moderate work.—(Moleschott).

Water-free substance given daily.	Ounces (avoirdupois)
Albuminous substances	4'587
Fatty .....	2'964
Carbo-hydrates .....	14'257
Salts .....	1'058

Average allowance required for male adults: solid food, 34 to 46 oz.; water, 50 to 80 oz.

The following dietary will satisfy an adult taking free exercise, per 24 hours:

Meat .....	16 oz.	= 1'00 lb., avoirdupois.	
Bread .....	19 „	= 1'19 „	
Butter or fat....	3½ „	= 0'22 „	
Water .....	52 „ fl.	= 3'38 „	(Dalton)

#### TAKING BAROMETRIC READINGS.

In calculating the true reading of a barometer, certain corrections of the actual reading have to be made. These corrections are required in order to compensate for the effects of

- (1) Temperature of the mercury of the barometer (the readings are in this country always given reduced to the standard temperature, 32° F.).
- (2) Altitude of the station (the readings are always given reduced to the standard altitude of sea-level).

of error of each instrument, ascertained in the verification, or the effect of the capillary action between the glass tube and the contained mercury.

In the case of barometers having a closed cistern, the relative position of the cistern and the interior of the tube necessitates a correction for its capacity.

The following examples<sup>1</sup> will show the method of calculation both for barometers having a Kew correction, and for others requiring corrections enumerated.

If a barometer has a Kew correction, as this includes the corrections for index errors, capacity, and capillarity, we proceed as

at— Reading = 29.946 ins. Temperature = 68° Correction } = + .014 in. Altitude } of } = 50' of } bulb } of } cistern } = 105 ft. above } the } level }	Then we have— Uncorrected reading = 29.946 ins. Add for Kew correction = + .014 Reading = 29.960 Deduct temp. correction for 68° and 30.0 ins. } = — .106 Reading at 32° F. = 29.854 Add for altitude of 105 ft. at temp. of air 50° and approximate pressure at sea level 30.0 ins. } = + .116 Reading corrected and reduced to 32° F. at Mean Sea-level = 29.970 ins.
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If the barometer requires all the five corrections above mentioned, then the following data :—

<sup>1</sup> Instructions in the Use of Meteorological Instruments, Scott, M.A., F.R.S. London, J. D. Potter, 1880.



Correction for index error of instrument = + '005 in.

Capacity correction =  $\frac{1}{16}$ , neutral point being 29 ins.

Capillarity correction = + '002 in.

Altitude of cistern above sea-level = 200 ft.

Let the reading of the barometer be 29'812, and of the attached thermometer 63°, while the temperature of the outside air is 60°.

Then we have :—

Barometer as read off	...	...	...	29'812 ins.
Add for capillarity	...	...	...	+ '002
„ „ capacity	...	...	...	+ '016
$.812 \times \frac{1}{16}$	...	...	...	+ '005
„ index error	...	...	...	+ '005
				29'835
Subtract for temperature of attached thermometer, 63° barometer being 29'8 ins.	...	...	...	- '092
				29'743
Reading at 32° F.	...	...	...	29'743
Add correction for altitude of 200 feet (temperature of air being 60°, and <i>approximate</i> pressure at sea-level 30'0 ins.)	...	...	...	+ '215
				= 29'958 ins.

The barometer stands *high*

- (1) When the air is very cold, for then the lower strata are denser and more contracted than when it is warm. The contraction causes the upper layers to sink down, bringing a greater number of particles, that is, a greater mass of air, into the column of air at the place of observation, so that the pressure at its base is greatest.
- (2) When the air is dry, for then it is denser than when it is moist.
- (3) When in any way an upper current sets in towards a given area, for this compresses the strata underneath. (*Scott.*)

Conditions the converse of these will cause the barometer to stand *low*.

#### BAROMETER SCALES.

Standard Pressure = 760 millimetres = 29'992 in.

30 inches..... = 762 „

29'5 „ ..... = 749 „

29'0 „ ..... = 737 „

The pressure of one atmosphere = 14'7 lbs. per sq. inch = 2,117 lbs. per sq. ft

TABLE SHOWING DECREASE IN PRESSURE PER SQUARE CORRESPONDING TO CERTAIN DECREASE IN THE HEIGHT OF THE BAROMETER.

Fall of Barometer.	Decrease of pressure per sq. ft. in lbs.
0'001	0'07083
0'005	0'3542
0'01	0'7083
0'05	3'5415
0'1	7'083
0'5	35'412
1'0	70'834

TO FIND THE ESTIMATED POPULATION OF A TOWN IN THE MIDDLE OF ANY YEAR, BEING GIVEN THE POPULATION AT THE TWO PREVIOUS CENSUSES.

(1) As the census is taken at the end of the *first* quarter of the year, we must first estimate the population to the *middle* of the census year. This is done by adding to the logarithm of the census population one quarter of the logarithm of the annual rate of increase during the previous decade; this will give the logarithm of the estimated population in the *middle* of the census year.

(2) If to the logarithm of the population so found we add the logarithm of the annual rate of increase during the previous decade, we will get the logarithm of the estimated population to the *middle* of the first year after the census; if we add twice the logarithm of the annual rate of increase, it will give the logarithm of the estimated population to the middle of the second year after the census, etc.

(3) In rapidly increasing towns the annual rate of increase cannot fairly be assumed to be  $\frac{1}{10}$ th the total increase during the decade. The population should be estimated as follows, by the use of logarithms :—

*Example.*—Find the estimated population of Sheffield in the middle of 1871.

The log. of the population middle of 1871 = log. census population (1871) +  $\frac{1}{4}$  log. annual rate of increase 1861-71.

Population of Sheffield, census 1871 (end of first quarter) = 239,947

" " " " " " " " = 185,172

Log. census population 1871 = 5'3801154.

" " " " " " " " 1861 = 5'2675753.

Log. rate of increase 1861-71

= log. census population 1871 - log. census population 1861

= 5'3801154 - 5'2675753

= 0'1125401 = log. rate of increase of population 1861-71.

$\frac{1}{4}$ th of this =  $0.01125401 = \log.$  rate of *yearly* increase 1861-71.  
 $\frac{1}{4}$ th of this =  $0.00281350 = \log.$  rate of *quarterly* increase 1861-71.  
 Log. census population 1871 + log. 1 quarter's increase  
 =  $5.3801154 + 0.00281350$   
 =  $5.3829289 = \log.$  estimated population middle of 1871.  
 The number corresponding to this will be found to be 241,507.

QUANTITIES OF FOOD, ETC., TO BE PURCHASED SO AS TO ALLOW  
 OF SUBDIVISION INTO THREE PARTS. (Vide *Sale of Food and  
 Drugs Act, 1875, § 14.*)

In purchasing samples for analysis it is necessary to get a sufficient quantity for subdivision into three parts, one to be kept by the vendor, one to be analysed, and one kept for future comparison. The quantities of the following articles required for purchase should never be less than stated, and the quantities here named will be found sufficient.

<i>Food.</i>		<i>Drugs.</i>	
Bread.....	4 lbs.	Sweet Spirit of Nitre ..	4 oz.
Flour.....	2 lbs.	Precipitated Sulphur ..	2 oz.
Oatmeal .....	1 lb.	Citric Acid .....	4 oz.
Coffee .....	$\frac{1}{2}$ lb.	Cream of Tartar .....	2 oz.
Tea.....	$\frac{1}{4}$ lb.	Tinctures .....	4 oz.
Chicory.....	$\frac{1}{4}$ lb.	Medicines, according to Prescrip-	
Mustard .....	$\frac{1}{4}$ lb.	tion.	
Pepper .....	2 oz.		
Vinegar.....	1 pint		
Beer .....	1 gallon		
Spirits .....	1 pint		
Aerated Waters ..	3 bottles		
Milk .....	1 quart		
Butter .....	$\frac{1}{2}$ lb., 1 lb.		
Lard .....	$\frac{1}{2}$ lb.		

*One ton of the following will average in cubic feet—*

Earth.....	21
Clay .....	18
Coarse gravel ....	19
Light-soil.....	18

## LIST OF OFFICERS OF THE LOCAL GOVERNMENT BOARD, ETC.

### LOCAL GOVERNMENT. . . . .

	Salary.
<i>President</i> ... .. The Rt. Hon. Sir C. Dilke, M.P. ...	£2200
<i>Secretary</i> ... .. Sir J. Lambert ... ..	1500
<i>Assistant-Secs.</i> ... .. J. F. Rotten ... ..	1000
... .. H. Owen ... ..	900
... .. W. J. Sendall ... ..	900
... .. G. Sutton ... ..	900
<i>Chief Clerk</i> ... .. J. Bellamy ... ..	800
Chief Inspector of Alkali Works, Dr. R. Angus Smith, F.R.S.	1000
Inspectors ... .. A. G. Fletcher ... ..	650
... .. C. Blatherwick ... ..	650
... .. B. Todd ... ..	550
... .. G. G. Davis ... ..	500
Sub-Inspectors, E. G. Ballard, Ed. Jackson, W. S. Curphey, R. Carpenter, each ... ..	300
Metropolitan Water Examiner, Col. Frank Bolton ..	850

### CUSTOMS DEPARTMENT.

Medical Inspector, Walter Dickson, M.D. ... .. 800

*Cost and staff of some of the more important Medical Departments and  
Officials of the Government, as per Civil Service and Army and  
Navy Estimates, 1882-3.*

	No. of Persons in Pay.	
Local Government Board ... ..	(5,310)	£861,645
Last year ... ..	5,284	840,173
Irish ditto ditto ... ..	(3,228)	135,244
Last year ... ..	3,237	134,629
Lunacy Commission ... ..	(21)	15,071
Last year ... ..	21	15,195
Scotch ditto ... ..	(12)	5,994
Last year ... ..	12	5,944
Criminal Lunatic Asylums ... ..	(138)	26,142
Last year ... ..	138	26,019
Registrar General—Sir H. B. Henniker, Bart. ...	(3,420)	69,426
Last year ... ..	3,420	147,943
Irish ditto—T. W. Grimshaw, M.D. ... ..	(644)	28,552
Last year ... ..	685	33,050
Army Medical Establishment ... ..	(641)	301,000
Last year ... ..	640	300,480

„ Veterinary Establishment ... ..	(317)	22,000
Last year ... ..	316	21,900
Navy Medical Establishment ... ..	345	64,500
Last year ... ..	—	65,900

COMMISSIONERSHIPS :

Lunacy ... ..	{ Robert Nairne ... ..	1,500
	{ J. D. Cleaton ... ..	1,500
	{ W. R. Williams ... ..	1,500
	{ C. P. Phillips ... ..	1,500
	{ C. S. Pagot ... ..	1,500
	{ W. E. Frere ... ..	1,500
Irish Local Government Board, Medical	{ D. C. Croker King	1,200
	{ G. Morris ... ..	1,200
Director of Animal Vaccine Stations :		
R. Cory, Esq. ... ..		400
Assistant Inspector of Vaccine Lymph :		
Albert Brydges Farn, M.D. ... ..		400
<i>Medical Officer :</i>		
G. Buchanan, M.D. ... ..		1,200
<i>Assistant ditto, and Inspector for General Sanitary Purposes :</i>		
R. Thorne Thorne, M.B. ... ..		1,000
<i>Masters in Lunacy :</i>		
W. N. Nicholson ... ..		2,000
H. J. L. Graham ... ..		2,000
<i>Visitors in Lunacy :</i>		
E. C. R. Ross ... ..		1,500
Dr. C. A. L. Robertson ... ..		1,500
Dr. J. Crichton Brown ... ..		1,500
<i>Medical Inspectors :</i>		Salary
H. Stevens, M.D. ... ..		800
F. H. Bloxall, M.D. ... ..		800
H. Airy, M.D. ... ..		700
G. Ballard, M.D. ... ..		600
W. H. Power, M.R.C.S. ... ..		600
H. F. Parsons, M.D. ... ..		600
J. Spear, M.R.C.S. ... ..		575
F. W. Bury, M.D. ... ..		550
Armstrong, ... ..		500
D. Page ... ..		500

POST OFFICE.

Chief Medical Officer, G. C. Steet, F.R.C.S. ... ..	Salary.
Second „ A. H. Wilson, L.R.C.P., M.R.C.S. ... ..	£840
Female „ E. Shove, M.B., Lon. ... ..	400
	300

VET. OFFICER, PRIVY COUNCIL.

<i>Veterinary Officer, Privy Council, G. T. Brown</i> ... ..	Salary.
	1000

*List of Officers of the Local Government Board.* 183

HER MAJESTY'S PRISONS.

In connection with the 18 prisons there are 21 medical superintendents, with salaries varying from £320 to £900 per annum, and 11 assistant medical officers with salaries from £150 to £250 per annum.

	Salary.
<i>Inspectors of Anatomy, For the Metropolis, A. Hawkins,</i>	
F.R.C.S ... ..	£100
For the <i>Provinces, J. Birkett, F.R.C.S.</i>	100
Incidental Expenses, £490	
For <i>Scotland, J. A. Russell, M.B.</i>	100
Incidental Expenses, £270	
For <i>Ireland, D. F. Brady, M.D.</i>	100

GENERAL MEDICAL COUNCIL.

*President—H. W. Acland.*

	Salary.
Registrar for <i>England, W. J. C. Millar, B.A., 299, Oxford Street, London</i> ... ..	£600
Registrar for <i>Scotland, A. Inglis, M.D., 33, Albany Street, Edinburgh</i> ... ..	200
Registrar for <i>Ireland, W. T. Steel, M.D., 35, Dawson Street, Dublin</i> ... ..	200

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L. A. = Local Authority.

M. O. H. = Medical Officer of Health.

P. H. A. = Public Health Act, 1875.

S. A. = Sanitary Authority.

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